

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN SCATCHELL, SR.,)	
)	
Plaintiff,)	
)	
vs)	No.
)	2018cv03989
VILLAGE OF MELROSE PARK, an)	
Illinois Municipal Corporation;)	
RONALD D. SERPICO; SAM C.)	
PITASSI; MICHAEL CASTELLAN; and)	
STEVEN ROGOWSKI,)	
)	
Defendants.)	

The discovery deposition of
JOHN SCATCHELL, called by the Defendants, for
examination, pursuant to notice, taken before
LORI ANN ASAUSKAS, CSR, RPR, a notary public
within and for the County of Cook and State
of Illinois, at the Village of Melrose Park,
1000 N. 25th Street, Melrose Park, Illinois,
on Wednesday, August 5, 2020, scheduled to
commence at 1:00 o'clock p.m.

John Scatchell, Jr.
August 5, 2020

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3	<p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 DEL GADO LAW GROUP, LLC,</p> <p>4 1441 South Harlem Avenue</p> <p>5 Berwyn, Illinois 60402</p> <p>6 (708) 222-7000</p> <p>7 woerner@dglawgroup.com</p> <p>8 BY: MR. TIMOTHY A.M. WOERNER,</p> <p>9 Appeared on behalf of the Defendants;</p> <p>10</p> <p>11 LAW OFFICE OF CHRISTOPHER COOPER,</p> <p>12 79 West Monroe Street</p> <p>13 Suite 1213</p> <p>14 Chicago, Illinois 60603</p> <p>15 (312) 473-2968</p> <p>16 cooperlaw3234@gmail.com</p> <p>17 BY: MR. CHRISTOPHER COOPER,</p> <p>18</p> <p>19 Appeared on behalf of the Deponent.</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 Mr. John Scatchell, Sr.</p> <p>23 Ms. Cristina Sabater</p> <p>24 Mr. Michael Castellan</p> <p>Mr. Samuel Pitassi</p> <p>Mr. Steven Rogowski</p>
4	<p>1 I N D E X</p> <p>2 THE WITNESS: JOHN SCATCHELL, JR. PAGES</p> <p>3 Direct Examination by Mr. Fowler..... 6 - 231</p> <p>4 Cross-Examination by Mr. Casper.....231 - 272</p> <p>5 Redirect Examination by Mr. Fowler.....273 - 285</p> <p>6 Cross-Examination by Mr. Casper.....285 - 291</p> <p>7 Cross-Examination by Mr. Bersani.....291 - 293</p> <p>8</p> <p>9 E X H I B I T S</p> <p>10 Marked for</p> <p>11 Identification</p> <p>12 Deposition Exhibit No. 1..... 151</p> <p>13 Deposition Exhibit No. 3..... 152</p> <p>14 Deposition Exhibit No. 4..... 163</p> <p>15 Deposition Exhibit No. 5..... 165</p> <p>16 Deposition Exhibit No. 6..... 166</p> <p>17 Deposition Exhibit No. 7..... 165</p> <p>18 Deposition Exhibit No. 8..... 170</p> <p>19 Deposition Exhibit No. 9..... 171</p> <p>20 Deposition Exhibit No. 10..... 172</p> <p>21 Deposition Exhibit No. 11..... 173</p> <p>22 Deposition Exhibit No. 12..... 174</p> <p>23 Deposition Exhibit No. 13..... 174</p> <p>24 Deposition Exhibit No. 14..... 175</p> <p>Deposition Exhibit No. 15..... 175</p>
5	<p>1 E X H I B I T S</p> <p>2 Marked for</p> <p>3 Identification</p> <p>4 Deposition Exhibit No. 17..... 176</p> <p>5 Deposition Exhibit No. 18..... 176</p> <p>6 Deposition Exhibit No. 19..... 178</p> <p>7 Deposition Exhibit No. 20..... 178</p> <p>8 Deposition Exhibit No. 21..... 20</p> <p>9 Deposition Exhibit No. 22..... 21</p> <p>10 Deposition Exhibit No. 23..... 23</p> <p>11 Deposition Exhibit No. 24..... 24</p> <p>12 Deposition Exhibit No. 25..... 25</p> <p>13 Deposition Exhibit No. 26..... 26</p> <p>14 Deposition Exhibit No. 30..... 184</p> <p>15 Deposition Exhibit No. 33..... 193</p> <p>16 Deposition Exhibit No. 34..... 193</p> <p>17 Deposition Exhibit No. 35..... 190</p> <p>18 Deposition Exhibit No. 36..... 149</p> <p>19 Deposition Exhibit No. 36..... 149</p> <p>20 Deposition Exhibit No. 40..... 146</p> <p>21 Deposition Exhibit No. 41..... 36</p> <p>22 Deposition Exhibit No. 43..... 228</p> <p>23 Deposition Exhibit No. 44..... 228</p> <p>24 Deposition Exhibit No. 47..... 75</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">6</p> <p>1 MR. FOWLER: This deposition is</p> <p>2 being taken pursuant to the Federal Rules</p> <p>3 of Civil Procedure, notice to the parties</p> <p>4 and subpoena to the witness.</p> <p>5 Would you swear him in,</p> <p>6 please?</p> <p>7 THE COURT REPORTER: Please raise</p> <p>8 your right hand.</p> <p>9 THE WITNESS: (Witness complied.)</p> <p>10 THE COURT REPORTER: Do you solemnly</p> <p>11 swear that the testimony you are about to give</p> <p>12 will be the truth, the whole truth and nothing</p> <p>13 but the truth, so help you God?</p> <p>14 THE WITNESS: I do.</p> <p>15 (Witness sworn.)</p> <p>16 WHEREUPON:</p> <p>17 JOHN SCACHELL,</p> <p>18 called as a witness herein, having been first</p> <p>19 duly sworn, depose and saith as follows:</p> <p>20 DIRECT EXAMINATION</p> <p>21 by Mr. Fowler</p> <p>22 Q. Would you tell us your name, please?</p> <p>23 A. John A. Scatchell.</p> <p>24 Q. Have you ever had a deposition done</p>	<p style="text-align: right;">8</p> <p>1 Q. If at any time you need to take</p> <p>2 a break -- I don't know how long the</p> <p>3 deposition is going to go today, but if</p> <p>4 you need to take a break, just let us know</p> <p>5 and we'll try to accommodate you.</p> <p>6 The general rule is though</p> <p>7 that you should answer a question that's</p> <p>8 pending before you take a break.</p> <p>9 Understand?</p> <p>10 A. Okay.</p> <p>11 Q. Do you understand the instructions</p> <p>12 I've just given you?</p> <p>13 A. Yeah.</p> <p>14 Q. All right. A couple of other quick</p> <p>15 things that we all mess this up because this</p> <p>16 is kind of an unusual process, what we say</p> <p>17 is being taken down by a court reporter and</p> <p>18 so because of that, there's a few things</p> <p>19 that are different than in normal conversation.</p> <p>20 Number one is that we have</p> <p>21 to communicate in words. Shaking a head,</p> <p>22 nodding a head, uh-huh, huh-huh, that kind</p> <p>23 of stuff doesn't really translate well.</p> <p>24 A. Okay.</p>
<p style="text-align: right;">7</p> <p>1 before?</p> <p>2 A. Not that I can recall.</p> <p>3 Q. The purpose of a deposition is to</p> <p>4 give the lawyers in this case an opportunity</p> <p>5 to ask you questions to see what you know</p> <p>6 concerning the case itself.</p> <p>7 In order for this process</p> <p>8 to be useful at all, it's really important</p> <p>9 for us all to follow a few ground rules.</p> <p>10 One is that if you don't</p> <p>11 hear a question that any of us ask you,</p> <p>12 will you let us know that before you answer?</p> <p>13 A. Okay.</p> <p>14 Q. All right. If you don't understand</p> <p>15 a question that any of us ask you, will you</p> <p>16 let us know that and give us an opportunity</p> <p>17 to rephrase it before you answer?</p> <p>18 A. Yes.</p> <p>19 Q. If you answer a question, then</p> <p>20 we'll all understand that you heard the</p> <p>21 question, you understood it and you're</p> <p>22 doing your best to answer it as truthfully</p> <p>23 and accurately as you can, is that fair?</p> <p>24 A. Sounds fair.</p>	<p style="text-align: right;">9</p> <p>1 Q. And second it's really kind of</p> <p>2 important to make sure that we don't speak</p> <p>3 at the same time. You let whoever is asking</p> <p>4 questions finish the question before you</p> <p>5 answer and then we, likewise, should try to</p> <p>6 let you finish answering before we ask you</p> <p>7 another question.</p> <p>8 You're going to mess that</p> <p>9 up. It happens to everybody. When we point</p> <p>10 it out and ask you to repeat your answer,</p> <p>11 don't feel like you're being chastised. It's</p> <p>12 just something that we're trying to make</p> <p>13 sure that we have a good record.</p> <p>14 Understand?</p> <p>15 A. Yes.</p> <p>16 Q. A few questions that I have to ask.</p> <p>17 I ask it of everybody. Please don't take</p> <p>18 offense to it.</p> <p>19 Have you taken any medication</p> <p>20 or substance that would affect your ability</p> <p>21 to give truthful and complete answers to the</p> <p>22 questions that we ask you today?</p> <p>23 A. No.</p> <p>24 Q. Do you have any medical or</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">10</p> <p>1 psychological condition that would affect</p> <p>2 your ability to give truthful and complete</p> <p>3 answers to the questions that we ask you</p> <p>4 today?</p> <p>5 A. No.</p> <p>6 Q. Is there any reason at all why</p> <p>7 you would not be able to give truthful and</p> <p>8 complete answers to the questions that I</p> <p>9 ask you today?</p> <p>10 A. No.</p> <p>11 Q. As my colleague Mr. Casper asks,</p> <p>12 did you get a good sleep last night?</p> <p>13 A. Did I get a good sleep?</p> <p>14 Q. Yeah.</p> <p>15 A. Fairly decent.</p> <p>16 Q. Ever been convicted of a felony?</p> <p>17 A. No.</p> <p>18 Q. Have you been employed since December</p> <p>19 of 2018?</p> <p>20 A. On and off, I did work for my sister's</p> <p>21 law firm.</p> <p>22 Q. Any other job?</p> <p>23 A. No.</p> <p>24 Q. You became a police officer for the</p>	<p style="text-align: right;">12</p> <p>1 commission card doesn't say that.</p> <p>2 Why would they give me a bad</p> <p>3 commission card?</p> <p>4 Q. Did you go through an interview process</p> <p>5 with the members of the Board of Fire and Police</p> <p>6 Commission?</p> <p>7 A. That was so long ago. I just remember</p> <p>8 Commissioner Esposito being the only -- maybe</p> <p>9 Commissioner Caputo was there, too, for the</p> <p>10 earlier interview.</p> <p>11 Q. Okay.</p> <p>12 MR. COOPER: Hey, Jeff, I want</p> <p>13 to interrupt just for a second.</p> <p>14 Is there audio in this</p> <p>15 room?</p> <p>16 THE COURT REPORTER: Yes. I have</p> <p>17 the audio.</p> <p>18 MR. COOPER: Not you. Is there --</p> <p>19 is there -- do we know?</p> <p>20 MR. FOWLER: I understand and</p> <p>21 gave instructions that whatever</p> <p>22 systems are in here were to be</p> <p>23 turned off during periods of these</p> <p>24 depositions. So there's --</p>
<p style="text-align: right;">11</p> <p>1 Village of Melrose Park in 2012, right?</p> <p>2 A. Yes.</p> <p>3 Q. Prior to that, no experience as a</p> <p>4 policeman anywhere?</p> <p>5 A. No.</p> <p>6 Q. You were hired by the Board of Fire</p> <p>7 and Police Commissioners?</p> <p>8 A. I was.</p> <p>9 Q. And the members of the board when</p> <p>10 you were hired are the same members that</p> <p>11 were there in December of '18 --</p> <p>12 A. No.</p> <p>13 Q. -- is that true?</p> <p>14 A. No.</p> <p>15 Q. What was different?</p> <p>16 A. My commission card shows George Leoni.</p> <p>17 Q. Any other difference?</p> <p>18 A. That would be it, I think.</p> <p>19 Q. The three who were there in December</p> <p>20 of '18 were also there when you were hired?</p> <p>21 A. Nope.</p> <p>22 Q. Your commission card doesn't say</p> <p>23 anything?</p> <p>24 A. I don't believe Rauzi was, at least my</p>	<p style="text-align: right;">13</p> <p>1 MR. COOPER: The video -- the</p> <p>2 video is going?</p> <p>3 MR. FOWLER: No. The video is</p> <p>4 off.</p> <p>5 MR. COOPER: Oh, the video is --</p> <p>6 okay. All right. Thanks.</p> <p>7 MR. FOWLER: That's my instructions</p> <p>8 and that's my understanding.</p> <p>9 MR. COOPER: No, I appreciate it.</p> <p>10 MR. FOWLER: Okay.</p> <p>11 BY MR. FOWLER:</p> <p>12 Q. Throughout the time that you were</p> <p>13 employed by the Village of Melrose, you were</p> <p>14 a patrol officer?</p> <p>15 A. Yes.</p> <p>16 Q. You're right-handed?</p> <p>17 A. Yes.</p> <p>18 Q. You shoot with your right hand?</p> <p>19 A. Yes.</p> <p>20 Q. And if you're firing a shotgun</p> <p>21 or a rifle, you do it on your right</p> <p>22 shoulder?</p> <p>23 A. Most generally, yes. I -- I've</p> <p>24 done some competition shoots where I shoot</p>

4 (Pages 10 to 13)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">14</p> <p>1 left-handed just for fun.</p> <p>2 Q. For waterfowl hunting, you're</p> <p>3 doing it through your right shoulder?</p> <p>4 A. I would say most generally.</p> <p>5 Q. You're familiar with Vito Scavo?</p> <p>6 MR. COOPER: This is where</p> <p>7 I indicated to you, Jeff, that</p> <p>8 he's going to take the Fifth. So</p> <p>9 you're going to have to do that,</p> <p>10 John.</p> <p>11 THE WITNESS: Okay.</p> <p>12 BY MR. FOWLER:</p> <p>13 Q. So you're familiar with Vito Scavo?</p> <p>14 A. I am familiar with him.</p> <p>15 Q. And how are you familiar with him?</p> <p>16 A. Life-long family friend.</p> <p>17 Q. And, in fact, you consider him like</p> <p>18 a second father, right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. In 2000 -- at some point in</p> <p>21 time -- well, strike that.</p> <p>22 Are you familiar with a --</p> <p>23 something called IDecoyem Guide Service?</p> <p>24 A. At this time I invoke my Fifth</p>	<p style="text-align: right;">16</p> <p>1 Q. During the period of the fall</p> <p>2 of -- well, let me ask the question</p> <p>3 differently. I have a series of questions</p> <p>4 that I'm going to ask about Vito Scavo.</p> <p>5 You've answered one, that -- your</p> <p>6 relationship.</p> <p>7 Are there other questions</p> <p>8 that you will answer about Vito Scavo or</p> <p>9 are you going to assert the Fifth Amendment</p> <p>10 right?</p> <p>11 A. It depends what particular questions</p> <p>12 you have.</p> <p>13 Q. Okay. Then I will go through them.</p> <p>14 During the period of --</p> <p>15 strike that.</p> <p>16 When did Mr. Scavo get</p> <p>17 convicted of a felony?</p> <p>18 A. Fifth Amendment.</p> <p>19 Q. During the period of time in</p> <p>20 the fall of 2017, did you go hunting with</p> <p>21 Mr. Scavo?</p> <p>22 A. Fifth Amendment.</p> <p>23 Q. In the -- in December -- strike</p> <p>24 that.</p>
<p style="text-align: right;">15</p> <p>1 Amendment right.</p> <p>2 Q. Are you going to invoke your Fifth</p> <p>3 Amendment right with respect to any questions</p> <p>4 that I ask you about IDecoyem Guide Service?</p> <p>5 A. Yes.</p> <p>6 MR. FOWLER: Counsel, is that</p> <p>7 your understanding as well?</p> <p>8 MR. COOPER: Yeah, yeah.</p> <p>9 BY MR. FOWLER:</p> <p>10 Q. And based upon that, you're going</p> <p>11 to refuse to answer any questions at all</p> <p>12 that I ask you about IDecoyem Guide Service?</p> <p>13 A. I'm not refusing. I'm asserting</p> <p>14 my Fifth Amendment right.</p> <p>15 Q. So let me ask it differently.</p> <p>16 Based upon your assertion,</p> <p>17 you are not going to answer any questions</p> <p>18 that I ask you about IDecoyem Guide Service,</p> <p>19 is that correct?</p> <p>20 A. My answer is that I'm taking the</p> <p>21 Fifth Amendment.</p> <p>22 Q. You're familiar that Vito Scavo is</p> <p>23 a convicted felon?</p> <p>24 A. Fifth Amendment.</p>	<p style="text-align: right;">17</p> <p>1 In 2017, did you book a</p> <p>2 trip to Mexico with Mr. Scavo?</p> <p>3 A. Fifth Amendment.</p> <p>4 Q. Did you go on a trip with Mr. Scavo</p> <p>5 in December of 2017, hunting in Mexico?</p> <p>6 A. Fifth Amendment.</p> <p>7 Q. You're aware that the police</p> <p>8 department has rules concerning the conduct</p> <p>9 of police officers, right?</p> <p>10 A. Fifth Amendment.</p> <p>11 MR. COOPER: Well, I think</p> <p>12 you can answer that question.</p> <p>13 I'm not sure what's going to</p> <p>14 follow.</p> <p>15 THE WITNESS: Okay.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I am aware that there are rules.</p> <p>18 Also, I'm also aware that Vito Scavo promoted</p> <p>19 Deputy Chief Castellan, Director Pitassi and</p> <p>20 Deputy Chief Rogowski and hired Deputy Chief</p> <p>21 Rogowski after he was forced to take a forced</p> <p>22 resignation from CPD, just to give a little</p> <p>23 foundation as to who we're talking about.</p> <p>24</p>

5 (Pages 14 to 17)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">18</p> <p>1 BY MR. FOWLER:</p> <p>2 Q. Anything else you would like to</p> <p>3 say?</p> <p>4 A. Eh, over the course of the day</p> <p>5 maybe.</p> <p>6 Q. The -- so now I'm a little confused.</p> <p>7 You're willing to talk about what Vito Scavo</p> <p>8 did, but when I ask you questions about --</p> <p>9 A. As police chief --</p> <p>10 Q. -- Vito Scavo, then you're asserting</p> <p>11 the Fifth Amendment?</p> <p>12 A. Yes.</p> <p>13 Q. So are you going to answer questions</p> <p>14 about Vito Scavo?</p> <p>15 A. I'll answer questions about when he</p> <p>16 was chief, sure.</p> <p>17 Q. So you're drawing the line of as</p> <p>18 soon as he was not police chief, then you're</p> <p>19 not answering any questions?</p> <p>20 A. That's not where I'm drawing the</p> <p>21 line. Go ahead and ask questions and I'll</p> <p>22 give you my answer based on what you ask me,</p> <p>23 Jeff.</p> <p>24 Q. So my question to you was you're</p>	<p style="text-align: right;">20</p> <p>1 a thing about convicted felons when every</p> <p>2 one of them associates with convicted</p> <p>3 felons and for the record, that's Pitassi</p> <p>4 and Castellan especially.</p> <p>5 Q. Anything else you'd like to say?</p> <p>6 A. No.</p> <p>7 (Document marked as Scatchell</p> <p>8 Junior Exhibit No. 21 for</p> <p>9 identification, 08/05/2020.)</p> <p>10 BY MR. FOWLER:</p> <p>11 Q. If you would -- I've handed you</p> <p>12 and your attorney a binder.</p> <p>13 If you would take a look at</p> <p>14 Tab 21, that's Deposition Exhibit 21.</p> <p>15 (Document tendered</p> <p>16 to the witness.)</p> <p>17 MR. CASPER: Just a point of</p> <p>18 clarification, Jeff, as we have</p> <p>19 been segregating the exhibits by</p> <p>20 witness, is this going to be</p> <p>21 Scatchell 21 or just 21?</p> <p>22 MR. FOWLER: We can call it</p> <p>23 Scatchell 21.</p> <p>24 MR. CASPER: That would be</p>
<p style="text-align: right;">19</p> <p>1 aware that the police department has rules</p> <p>2 concerning the conduct of police officers,</p> <p>3 right?</p> <p>4 MR. CASPER: Objection,</p> <p>5 foundation.</p> <p>6 MR. COOPER: You could answer.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I am and they're not followed by</p> <p>9 90 percent of the ranks.</p> <p>10 BY MR. FOWLER:</p> <p>11 Q. You're aware that those rules are</p> <p>12 often called SOPs?</p> <p>13 A. Yes.</p> <p>14 Q. And you received copies of the SOPs</p> <p>15 periodically while you were employed by the</p> <p>16 department, right?</p> <p>17 A. If you guys want to call that</p> <p>18 received copies, that was more like here's</p> <p>19 your copy, go read it whenever you have a</p> <p>20 chance. You're rotating shifts. We don't</p> <p>21 give a shit about you. Just go read it.</p> <p>22 Here's 500 pages, we didn't</p> <p>23 underline anything that was changed, but six</p> <p>24 months before you come after me, you put in</p>	<p style="text-align: right;">21</p> <p>1 helpful.</p> <p>2 MR. BERSANI: Can we call it</p> <p>3 Scatchell Junior 21?</p> <p>4 MR. FOWLER: That probably</p> <p>5 makes sense.</p> <p>6 MR. CASPER: So all of these</p> <p>7 exhibits will be Scatchell Junior?</p> <p>8 MR. FOWLER: Yes.</p> <p>9 BY MR. FOWLER:</p> <p>10 Q. All right. Have you had a chance</p> <p>11 to review Scatchell Junior Exhibit 21?</p> <p>12 A. I have.</p> <p>13 Q. Is that your signature on the page?</p> <p>14 A. Appears to be.</p> <p>15 Q. And this has a date of August 31,</p> <p>16 2012.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Did you sign it on or about August 31,</p> <p>20 2012?</p> <p>21 A. I would have to say I did.</p> <p>22 (Document marked as Scatchell</p> <p>23 Junior Exhibit No. 22 for</p> <p>24 identification, 08/05/2020.)</p>

6 (Pages 18 to 21)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">22</p> <p>1 BY MR. FOWLER:</p> <p>2 Q. Taking a look at Scatchell Junior</p> <p>3 Exhibit 22, do you see that?</p> <p>4 MR. COOPER: Jeff, if you</p> <p>5 have another copy, it would</p> <p>6 probably go faster if I can</p> <p>7 turn -- yeah, I was going to say</p> <p>8 I don't want to be rude.</p> <p>9 MR. FOWLER: So I don't think</p> <p>10 it matters, Chris, but the one you</p> <p>11 have now is -- has the stickers on</p> <p>12 it and just so we're all on the</p> <p>13 same page, the one that the witness</p> <p>14 has does not have the stickers. It</p> <p>15 has the tab marks. You have the</p> <p>16 stickers.</p> <p>17 MR. COOPER: We have stickers.</p> <p>18 Do you want to switch?</p> <p>19 MR. FOWLER: Yeah, if we can.</p> <p>20 Sorry.</p> <p>21 MR. COOPER: Who wants the</p> <p>22 stickers?</p> <p>23 MR. FOWLER: Just give it to</p> <p>24 the witness.</p>	<p style="text-align: right;">24</p> <p>1 (Document tendered</p> <p>2 to the witness.)</p> <p>3 BY THE WITNESS:</p> <p>4 A. Okay.</p> <p>5 BY MR. FOWLER:</p> <p>6 Q. Is that your signature on the</p> <p>7 officer signature line?</p> <p>8 A. Yes.</p> <p>9 Q. And your badge number is 23?</p> <p>10 A. It was.</p> <p>11 Q. Did you sign this on or about</p> <p>12 August 21, 2015?</p> <p>13 A. Given the document, I'd have to</p> <p>14 say yes.</p> <p>15 (Document marked as Scatchell</p> <p>16 Junior Exhibit No. 24 for</p> <p>17 identification, 08/05/2020.)</p> <p>18 BY MR. FOWLER:</p> <p>19 Q. Okay. Take a look at Exhibit 24.</p> <p>20 Is that your signature on</p> <p>21 the officer's signature line?</p> <p>22 (Document tendered</p> <p>23 to the witness.)</p> <p>24</p>
<p style="text-align: right;">23</p> <p>1 MR. COOPER: Here you go.</p> <p>2 BY MR. FOWLER:</p> <p>3 Q. All right. So looking at Scatchell</p> <p>4 Exhibit 22, do you see that?</p> <p>5 (Document tendered</p> <p>6 to the witness.)</p> <p>7 BY THE WITNESS:</p> <p>8 A. I do.</p> <p>9 BY MR. FOWLER:</p> <p>10 Q. Do you recognize your signature --</p> <p>11 strike that.</p> <p>12 Whose handwriting is on the</p> <p>13 lower left of that document?</p> <p>14 A. Appears to be mine.</p> <p>15 Q. And did you receive this on or about</p> <p>16 September 26, 2012?</p> <p>17 A. I would have to say yes.</p> <p>18 (Document marked as Scatchell</p> <p>19 Junior Exhibit No. 23 for</p> <p>20 identification, 08/05/2020.)</p> <p>21 BY MR. FOWLER:</p> <p>22 Q. Take a look at Scatchell Junior</p> <p>23 Exhibit 23.</p> <p>24</p>	<p style="text-align: right;">25</p> <p>1 BY THE WITNESS:</p> <p>2 A. It is.</p> <p>3 BY MR. FOWLER:</p> <p>4 Q. Did you sign this on or about</p> <p>5 June 8, 2016?</p> <p>6 A. I'd have to say yes.</p> <p>7 (Document marked as Scatchell</p> <p>8 Junior Exhibit No. 25 for</p> <p>9 identification, 08/05/2020.)</p> <p>10 BY MR. FOWLER:</p> <p>11 Q. Taking a look at Exhibit 25 -- and</p> <p>12 by the way, if I refer to an exhibit, unless</p> <p>13 I say otherwise, we can all understand it's</p> <p>14 Scatchell Junior Exhibit, fair enough?</p> <p>15 A. Okay.</p> <p>16 MR. FOWLER: Counsel?</p> <p>17 MR. CASPER: Yes.</p> <p>18 MR. COOPER: I agree.</p> <p>19 BY MR. FOWLER:</p> <p>20 Q. Taking a look at Exhibit 25, do you</p> <p>21 recognize this form?</p> <p>22 (Document tendered</p> <p>23 to the witness.)</p> <p>24</p>

7 (Pages 22 to 25)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">26</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't recognize it, but I</p> <p>3 see it. One thing stands out Nunzio</p> <p>4 Maiello didn't receive this disk.</p> <p>5 BY MR. FOWLER:</p> <p>6 Q. Have you seen forms like this</p> <p>7 before?</p> <p>8 A. Probably.</p> <p>9 Q. If you look on the officer's</p> <p>10 signature line about two-thirds of the way</p> <p>11 down, is that your signature?</p> <p>12 A. Appears to be.</p> <p>13 Q. There is a date beside your signature</p> <p>14 of 3/31/17.</p> <p>15 Did you sign it on or about</p> <p>16 3/31/17?</p> <p>17 A. I'd be inclined to believe so.</p> <p>18 Q. Any reason to think you did not?</p> <p>19 A. Nope.</p> <p>20 (Document marked as Scatchell</p> <p>21 Junior Exhibit No. 26 for</p> <p>22 identification, 08/05/2020.)</p> <p>23 BY MR. FOWLER:</p> <p>24 Q. Taking a look at Exhibit 26,</p>	<p style="text-align: right;">28</p> <p>1 employment is any employment with anybody</p> <p>2 other than the village itself, while you were</p> <p>3 a police officer, you had to get permission,</p> <p>4 right?</p> <p>5 MR. COOPER: Objection to</p> <p>6 the form, specifically anybody.</p> <p>7 You can answer if you understand.</p> <p>8 MR. CASPER: Join.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Rephrase it, please.</p> <p>11 BY MR. FOWLER:</p> <p>12 Q. Did you work for anybody else</p> <p>13 while you were employed by the village?</p> <p>14 MR. COOPER: Fifth.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Fifth Amendment.</p> <p>17 BY MR. FOWLER:</p> <p>18 Q. Just to be clear, I'm -- I hear</p> <p>19 what you're saying. My recollection is</p> <p>20 and I don't have the detail right at my</p> <p>21 head, but that you did some security work</p> <p>22 for somebody while you were a police officer,</p> <p>23 is that true?</p> <p>24 MR. COOPER: I'd like for you</p>
<p style="text-align: right;">27</p> <p>1 please, is that your signature on the</p> <p>2 officer's signature line?</p> <p>3 (Document tendered</p> <p>4 to the witness.)</p> <p>5 BY THE WITNESS:</p> <p>6 A. I really can't tell. It's just two</p> <p>7 vague lines.</p> <p>8 BY MR. FOWLER:</p> <p>9 Q. Okay. Is the date on that -- do</p> <p>10 you recognize that writing?</p> <p>11 A. Looks vaguely familiar.</p> <p>12 Q. Was it yours?</p> <p>13 A. Could be.</p> <p>14 Q. Did you -- you were aware that one</p> <p>15 of the rules at the village is that you need</p> <p>16 to get permission for secondary employment?</p> <p>17 MR. COOPER: One second.</p> <p>18 MR. CASPER: Objection, form.</p> <p>19 MR. COOPER: All right. You</p> <p>20 can answer that.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Yes, I am.</p> <p>23 BY MR. FOWLER:</p> <p>24 Q. And just to be clear, the secondary</p>	<p style="text-align: right;">29</p> <p>1 to come back to a question or to</p> <p>2 withdraw the question and ask it</p> <p>3 in another way. Otherwise, I</p> <p>4 will instruct him to assert his</p> <p>5 Fifth Amendment right to remain</p> <p>6 silent.</p> <p>7 MR. FOWLER: I'll stand on</p> <p>8 the question.</p> <p>9 MR. COOPER: Then I would</p> <p>10 suggest that you assert your</p> <p>11 Fifth Amendment right.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Fifth Amendment.</p> <p>14 BY MR. FOWLER:</p> <p>15 Q. Did you ever submit a request to</p> <p>16 your supervisors for permission to work</p> <p>17 another job?</p> <p>18 MR. COOPER: Fifth.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Fifth Amendment.</p> <p>21 BY MR. FOWLER:</p> <p>22 Q. Are you aware of any other police</p> <p>23 officers employed by the Village of Melrose</p> <p>24 Park who were involved in a business with</p>

8 (Pages 26 to 29)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">30</p> <p>1 a convicted felon?</p> <p>2 A. What I'm aware of --</p> <p>3 MR. CASPER: Hang on.</p> <p>4 Object to form and foundation.</p> <p>5 BY THE WITNESS:</p> <p>6 A. What I am aware is after you guys</p> <p>7 served me with charges, Deputy Chief Rogowski</p> <p>8 went to all of his buddies that were at the</p> <p>9 station and made sure they put extra secondary</p> <p>10 employment forms in. That's what I'm aware</p> <p>11 of.</p> <p>12 BY MR. FOWLER:</p> <p>13 Q. So that wasn't the question that</p> <p>14 I asked you. The question I asked you is</p> <p>15 while -- are you aware of any police officer</p> <p>16 employed by the Village of Melrose Park who</p> <p>17 was also working for a convicted felon?</p> <p>18 MR. CASPER: Renew my</p> <p>19 objection.</p> <p>20 MR. COOPER: I think you need</p> <p>21 to assert the Fifth on this one</p> <p>22 because the way it was asked.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Fifth.</p>	<p style="text-align: right;">32</p> <p>1 MR. CASPER: Object to</p> <p>2 form, foundation.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Fifth Amendment. Fifth Amendment,</p> <p>5 I repeat.</p> <p>6 BY MR. FOWLER:</p> <p>7 Q. So if I ask you any questions</p> <p>8 relating to the incident where you were</p> <p>9 approached by a conservation officer in</p> <p>10 November 2017, you're going to assert your</p> <p>11 Fifth Amendment rights?</p> <p>12 A. Fifth Amendment.</p> <p>13 MR. CASPER: Objection, assumes</p> <p>14 facts not established.</p> <p>15 MS. SCACHELL: Can we take a</p> <p>16 quick break?</p> <p>17 MR. COOPER: I don't want to</p> <p>18 do that. Just give me a second.</p> <p>19 (Brief pause.)</p> <p>20 MR. COOPER: Okay. So</p> <p>21 objection, assumes facts not in</p> <p>22 evidence and if the record isn't</p> <p>23 clear, my client did assert his</p> <p>24 Fifth Amendment right during this</p>
<p style="text-align: right;">31</p> <p>1 BY MR. FOWLER:</p> <p>2 Q. Are you aware of any police officers</p> <p>3 employed by the Village of Melrose Park who</p> <p>4 went hunting with a convicted felon?</p> <p>5 A. Fifth.</p> <p>6 Q. Let's talk about November 20th of</p> <p>7 2017.</p> <p>8 You recall that day, right?</p> <p>9 MR. COOPER: Well, object to</p> <p>10 form. If you understand the question,</p> <p>11 you can answer the question.</p> <p>12 MR. BERSANI: Can I ask the</p> <p>13 question to be repeated, please?</p> <p>14 MR. FOWLER: Want to read it</p> <p>15 back, please, Lori?</p> <p>16 (Whereupon, the requested</p> <p>17 portion of the record was</p> <p>18 read accordingly.)</p> <p>19 BY THE WITNESS:</p> <p>20 A. I recall it was a day in November.</p> <p>21 BY MR. FOWLER:</p> <p>22 Q. You recall an occasion in November</p> <p>23 of 2017 when you and others were out hunting</p> <p>24 and were approached by a conservation officer?</p>	<p style="text-align: right;">33</p> <p>1 time.</p> <p>2 And now this -- if a</p> <p>3 break is okay for a moment, I'm</p> <p>4 okay with it. I just wanted to</p> <p>5 clear up any ambiguity around that</p> <p>6 last question.</p> <p>7 MR. FOWLER: Sure. If you want</p> <p>8 to take a break, take a break.</p> <p>9 MR. CASPER: We don't need a</p> <p>10 break.</p> <p>11 MS. SCACHELL: We're fine.</p> <p>12 MR. COOPER: You don't?</p> <p>13 MR. CASPER: We just talked about</p> <p>14 it.</p> <p>15 MR. COOPER: Okay. Please.</p> <p>16 BY MR. FOWLER:</p> <p>17 Q. And just to be clear, you recall</p> <p>18 sitting for an interrogation with me on or</p> <p>19 about January 9, 2018?</p> <p>20 MR. COOPER: That's okay.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Yes, I do.</p> <p>23 BY MR. FOWLER:</p> <p>24 Q. And during that interrogation,</p>

9 (Pages 30 to 33)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">34</p> <p>1 you were given an order to answer the 2 questions that I asked you truthfully? 3 A. Yes. 4 Q. During that interrogation, I 5 asked you a number of questions, right? 6 A. Yes, you did. 7 Q. And you answered to the best of 8 your ability? 9 MR. COOPER: Objection, 10 Fifth. 11 BY THE WITNESS: 12 A. Fifth Amendment. 13 MR. COOPER: No objection. 14 Fifth Amendment. 15 BY MR. FOWLER: 16 Q. And do you recall during that 17 interrogation that you were asked questions 18 about what happened on November 20, 2017? 19 MR. COOPER: You go ahead 20 and take the Fifth. 21 BY THE WITNESS: 22 A. Fifth Amendment. 23 BY MR. FOWLER: 24 Q. So do I understand correctly that</p>	<p style="text-align: right;">36</p> <p>1 establish the parameters of what 2 you're going to take the Fifth on 3 or do I have to go through 4 question-by-question everything 5 that happened on November 20th? 6 That's my point here. 7 BY MR. FOWLER: 8 Q. So to the extent that your 9 attorney objected based on facts not in 10 evidence, you're aware that a transcript 11 was done of the interrogation? 12 MR. COOPER: You can answer 13 that. 14 BY THE WITNESS: 15 A. I'm not aware of one, but I'm 16 sure there was one because there was a 17 court reporter. 18 BY MR. FOWLER: 19 Q. You never read it? 20 A. I've read it ages ago, so I don't... 21 (Document marked as Scatchell 22 Junior Exhibit No. 41 for 23 identification, 08/05/2020.) 24</p>
<p style="text-align: right;">35</p> <p>1 even though you answered the questions during 2 the interrogation, any question I ask you 3 today based on that incident, you're going 4 to assert your Fifth Amendment? 5 MR. COOPER: Objection to 6 reference -- or to the words 7 that incident, assumes facts 8 not in evidence, misrepresentation 9 of what the deponent has already 10 testified to. I would take the 11 Fifth. 12 MR. CASPER: I'm going to make 13 an objection to -- excuse me for 14 this, but to inquire of the witness 15 in a way in this deposition to get 16 him to adopt statements he made 17 while he was under a Garrity warning 18 would appear to be a Garrity violation. 19 I object to this line of 20 questioning on that basis. 21 MR. FOWLER: That certainly 22 wasn't the intent and I don't think 23 that that's what I have been doing. 24 What I need to do is just</p>	<p style="text-align: right;">37</p> <p>1 BY MR. FOWLER: 2 Q. So if you would take a look at 3 Exhibit 41. You will see that the transcript 4 has page numbers on each page. What I'm 5 referring to is what starts on Page 142 of 6 Exhibit No. 41. 7 A. (Witness complied.) 8 MR. BERSANI: You said 42? 9 MR. FOWLER: 142. 10 MR. BERSANI: Thank you. 11 MR. COOPER: Okay. Is there 12 a question pending? I'm sorry. 13 MR. FOWLER: Not yet. 14 MR. COOPER: Okay. 15 BY MR. FOWLER: 16 Q. So for the purpose of my question 17 to the extent that your attorney objected 18 to facts not in evidence, what I'm referring 19 to is the incident that starts on Page 142. 20 Do you see that? 21 A. I do. 22 Q. So is it your position that you're 23 not going to answer any questions that 24 I ask you relating to the incident that was</p>

10 (Pages 34 to 37)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">38</p> <p>1 discussed starting on Page 142 based upon 2 Fifth Amendment? 3 MR. COOPER: All right. Object 4 to the use of the word incident as 5 not representative of the witness's 6 testimony here today. 7 Jeff, I'm going to instruct 8 him that -- or suggest to him it's 9 best that he assert the Fifth unless, 10 of course, you can reword the sentence. 11 MR. FOWLER: I'll stand on it as 12 I asked it. 13 BY THE WITNESS: 14 A. Fifth Amendment. 15 BY MR. FOWLER: 16 Q. Okay. So after November 20th of 17 2017, did you have any communications with 18 any of your supervisors at the police 19 department about having contact with a 20 conservation officer? 21 A. Fifth Amendment. 22 Q. You were present during hearings 23 before the board that consists of Mr. Rauzi 24 and Mr. Caputo and Mr. Esposito, right?</p>	<p style="text-align: right;">40</p> <p>1 foundation. 2 MR. COOPER: Objection, 3 competency which goes to the 4 decision -- a decision that I 5 would have made as to who would 6 testify as a witness. 7 However, my client 8 may answer the question. He's 9 welcome to. 10 THE WITNESS: Can you repeat 11 it one more time? I'm sorry. 12 (Whereupon, the requested 13 portion of the record was 14 read accordingly.) 15 BY THE WITNESS: 16 A. Yes. 17 BY MR. FOWLER: 18 Q. And you spoke to Mr. Paoletti a 19 couple of times before he testified, right? 20 A. Fifth Amendment. 21 Q. You spoke to Mr. Paoletti the evening 22 before he testified? 23 A. Fifth Amendment. 24 Q. Isn't it true that Mr. Paoletti</p>
<p style="text-align: right;">39</p> <p>1 A. I was. 2 Q. And those hearings related to the 3 charges against you relating for misconduct, 4 right? 5 MR. CASPER: Object to 6 form, foundation. 7 BY THE WITNESS: 8 A. Have there been any other officers 9 that have gone before the board recently? 10 BY MR. FOWLER: 11 Q. You can answer that question. 12 A. Repeat it again. 13 MR. FOWLER: Would you read 14 it back, please? 15 (Whereupon, the requested 16 portion of the record was 17 read accordingly.) 18 BY THE WITNESS: 19 A. I believe so. 20 BY MR. FOWLER: 21 Q. During that hearing, you -- your 22 attorneys presented the testimony from 23 Mr. Paoletti, correct? 24 MR. CASPER: Object to</p>	<p style="text-align: right;">41</p> <p>1 told you that he believed you're likely 2 to get disciplined for misconduct? 3 A. Fifth Amendment. 4 Q. You were present when he testified 5 though, right? 6 A. I was. 7 Q. You heard him testify that he 8 told you the night before that you were 9 subject to discipline for misconduct, right? 10 MR. CASPER: Objection to 11 form, foundation. 12 MR. COOPER: Just -- go ahead. 13 BY THE WITNESS: 14 A. Fifth Amendment. 15 BY MR. FOWLER: 16 Q. You're familiar with an Officer 17 Phillip Negron? 18 A. I am. 19 Q. Did I pronounce that right? 20 A. I believe you did. 21 Q. You're aware that -- well, strike 22 that. 23 Are you aware that at one 24 point your father recommended discipline</p>

11 (Pages 38 to 41)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">42</p> <p>1 against Officer Negron for abusing sick 2 leave? 3 MR. CASPER: Object to 4 foundation. 5 MR. COOPER: Objection, 6 competency. He can't speak for 7 his dad. He's able to answer 8 the question if he can. 9 BY THE WITNESS: 10 A. I'm aware there was something 11 with Phil, but that was before I even got 12 on the department, so that's way above my 13 purview. 14 BY MR. FOWLER: 15 Q. So my question to you is were 16 you aware that your father had recommended 17 discipline against him for abuse of sick 18 leave? 19 MR. CASPER: Same objection. 20 BY THE WITNESS: 21 A. I have no direct knowledge of that, 22 no. 23 BY MR. FOWLER: 24 Q. Have you ever spoken to your father</p>	<p style="text-align: right;">44</p> <p>1 spoken with your father about Kyll Lavalais? 2 A. I wouldn't put a number on it. 3 Q. Have you ever had any conversations 4 with your dad about Kyll Lavalais's 5 grievances? 6 A. I've had conversations with my 7 father about everybody who showed up to vote 8 against Kyll that day getting a promotion 9 and everybody that went against my father 10 in the subsequent vote got a promotion and 11 then everybody else that didn't vote for 12 the powers that be, they got to pay the 13 Scatchell tax. You know, that goes around 14 the department, the Scatchell tax. 15 Yeah. That basically 16 means that anybody that was friends with 17 me, friends with my father, they're either 18 bottom of the sergeant list or told not to 19 hang out with me so they don't go to tact 20 or five other things. It's -- I think you 21 know where I'm going with this, Jeff. 22 Q. Anything else you'd like to say? 23 A. Eh, not right now. 24 MR. FOWLER: Would you read</p>
<p style="text-align: right;">43</p> <p>1 about Officer Negron? 2 A. Just in passing of he's a cool guy 3 since I got on the department. I have nothing 4 but good things to say about Phil despite what 5 the administration might have to say, but -- 6 Q. Did you ever -- 7 A. -- that's about it. 8 Q. I'm sorry? I didn't mean to -- 9 A. I said that's about it that I can 10 recall at this time. 11 Q. Have you ever spoken with your 12 father about Officer Negron abusing sick 13 leave? 14 A. No, I can't -- I don't believe I 15 did. 16 Q. And just to be clear, your father 17 is John J. Scatchell? 18 A. He is. 19 Q. He is the plaintiff in this lawsuit? 20 A. Yes. 21 Q. Have you ever had any conversations 22 with your father concerning Kyll Lavalais? 23 A. Yes. 24 Q. How many conversations have you</p>	<p style="text-align: right;">45</p> <p>1 the question back, please? 2 (Whereupon, the requested 3 portion of the record was 4 read accordingly.) 5 MR. COOPER: Objection, asked 6 and answered. 7 You still can answer. 8 BY THE WITNESS: 9 A. Yes. 10 BY MR. FOWLER: 11 Q. When did you talk to your dad 12 about Kyll Lavalais's grievances? 13 MR. COOPER: Objection, 14 asked and answered. 15 BY THE WITNESS: 16 A. Well, it's still an ongoing 17 discussion because that's the basis of the 18 entire lawsuit is that they retaliated 19 against my father because he took a stand 20 for the only black officer in the department. 21 BY MR. FOWLER: 22 Q. When is the last time you talked 23 to your dad about Kyll Lavalais's grievances? 24 A. I don't know.</p>

12 (Pages 42 to 45)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">46</p> <p>1 Q. Where did the conversation take 2 place? 3 A. Couldn't recall. 4 Q. Who was present? 5 A. Me and my dad. 6 Q. During that conversation, what 7 did you say and what did he say? 8 A. You're talking about hypothetical 9 conversations that spans the course of three 10 or four years since Kyll's grievances. 11 So... 12 Q. As you sit here today, do you 13 recall any of the conversations between 14 you and your dad concerning Kyll Lavalais's 15 grievances? 16 A. Yeah. I recall Director Pitassi 17 being completely upset about it calling 18 him a nigger and calling him a bunch of 19 other things. I remember that conversation -- 20 Q. Okay. 21 A. -- very well because I was appalled 22 by it. 23 Q. Who was that conversation with? 24 A. It was with my father.</p>	<p style="text-align: right;">48</p> <p>1 as to witness's past testimony. 2 My recollection is that there was 3 more than one conversation. 4 I think, Jeff, your 5 question refers to a single 6 conversation. 7 BY MR. FOWLER: 8 Q. I'm certainly referring to the 9 one you just told me about, so we're 10 talking about that one for right now. 11 That's the one that you said you recall, 12 right? 13 A. I just recall what was just said. 14 Q. All right. So what I need to 15 do is what's called establish a foundation 16 for that conversation. You don't recall 17 when it took place? 18 A. Whenever Kyll's first grievance 19 was submitted and he wanted to sue, that's 20 when he made the statement, Pitassi did. 21 Q. And do you know when that was 22 as you sit here today? 23 A. No. Again, we're talking about 24 four years. We're milling through 9 million</p>
<p style="text-align: right;">47</p> <p>1 Q. You were present? 2 A. No, he told me about it. 3 Q. What -- 4 A. And he couldn't wait to tell me 5 about it the minute he left there because 6 it's absolutely reprehensible that a police 7 chief in this day and age uses that fucking 8 language. Okay. 9 Q. So the conversation that we're -- 10 A. I'm sorry, a police director. He's 11 not a chief anymore. He's a civilian. 12 Q. Are you finished? 13 A. I'm finished. 14 Q. The conversation that you were 15 referring to with you and your dad, where 16 did that conversation take place? 17 MR. CASPER: Object to 18 form. 19 BY THE WITNESS: 20 A. I couldn't recall at this time. 21 BY MR. FOWLER: 22 Q. When did it take place? 23 A. Right after it occurred. 24 MR. COOPER: Just an objection</p>	<p style="text-align: right;">49</p> <p>1 documents. I couldn't tell you exactly when 2 that occurred. 3 Q. Anybody present during that 4 conversation? 5 A. Me and my father. 6 Q. During that conversation, what 7 did he say and what did you say? 8 A. I pretty much already said what 9 he said. He said that Pitassi was irate 10 because Kyll was suing, referred to him 11 as a nigger and just completely degraded 12 him as a human being because he had the 13 right to sue because he was discriminated 14 against. Let's call it what it is. It's 15 discrimination. 16 This department discriminates 17 against black people all the time. It's no 18 secret. They fired Angela Williams so they 19 could hire Gary Montino's kid. Are you kidding 20 me? Convicted felon Gary Montino. 21 Q. Anything else? 22 A. No. 23 Q. Do you recall any other conversations 24 between you and your dad about Kyll Lavalais's</p>

13 (Pages 46 to 49)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">50</p> <p>1 grievances as you sit here today? 2 MR. COOPER: Objection, 3 asked and answered. He said yes. 4 MR. CASPER: Join. 5 BY MR. FOWLER: 6 Q. You told me about one. 7 Is there any others that 8 you recall? 9 A. Not off the top of my head right 10 now. 11 Q. Angela Williams, do you know why 12 she was let go? 13 A. Residency. So -- 14 MR. CASPER: Sorry. I know 15 you answered. Object to foundation. 16 BY THE WITNESS: 17 A. The rumor was residency and the 18 funny thing about rumors is you happen to 19 know a lot about the department when you 20 work in patrol and you know who lives in 21 town and you know who doesn't and certain 22 people just get promoted up the ladder 23 while still living out of town. 24 Sergeant Steve Pesch,</p>	<p style="text-align: right;">52</p> <p>1 BY MR. FOWLER: 2 Q. Anything else? 3 A. No. It's just a tangled web of 4 nepotism and deceit. 5 Q. Who did you hear the rumor from? 6 A. All over the station. 7 Q. Anybody in particular? 8 A. No, not that I recall at this 9 time. 10 MR. CASPER: I'm sorry to 11 interrupt. 12 Could we just have the 13 witness state who Harpo is referring 14 to on this part of the transcript? 15 THE WITNESS: Harpo is a nickname 16 for Gary Montino, which was Vito 17 Scavo's deputy chief and Deputy 18 Chief Castellan is very good friends 19 still. 20 MR. CASPER: Thank you. 21 BY MR. FOWLER: 22 Q. Did you ever have any conversations 23 with your father concerning the residency 24 requirement?</p>
<p style="text-align: right;">51</p> <p>1 because he's Castellan's friend, was allowed 2 to live in Carol Stream and Homer Glen before 3 he ever moved here but then they promoted 4 him to sergeant. 5 Jerry Manzel, they promoted 6 him to detective and he still doesn't live 7 in town, told his neighbor you'll never see 8 my family here ever because I don't live 9 here. How is that allowed? Why? Because 10 they bought a house from Rosa or Donna 11 Serpico or Pitassi. How is that allowed? 12 BY MR. FOWLER: 13 Q. Anything else? 14 A. No. Your floor. I yield back. 15 Q. Do you have any personal knowledge 16 as to why Angela Williams was let go? 17 MR. COOPER: Objection, 18 asked and answered. 19 BY THE WITNESS: 20 A. The rumor was that they wanted to 21 take care of Harpo for being a good little 22 soldier so they gave his kid a job and then 23 they -- after that, they put him on the 24 fire department.</p>	<p style="text-align: right;">53</p> <p>1 A. Plenty. 2 Q. As you sit here today, do you recall 3 any? 4 A. Not in particular, but we've discussed 5 them. 6 Q. Did you ever have any conversations 7 with your father about his -- about being 8 promoted to deputy chief? 9 A. Yes. 10 Q. When was that? 11 A. Around the time that it would have 12 occurred. 13 Q. How many conversations did you have? 14 A. Impossible to measure. 15 Q. How many do you recall as you sit 16 here today? 17 A. Particular conversations, I don't 18 recall any. I know we discussed it. 19 Q. Do you recall what you and he said 20 to each other about it? 21 A. Just that Ronnie promised him 22 the deputy chief position as in Mayor 23 Serpico and I do recall that Director 24 Pitassi was irate because the rumor got</p>

14 (Pages 50 to 53)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">54</p> <p>1 back to him from Dino Dimaio that my dad 2 wanted his spot which was never the case. 3 Deputy chief was promised, 4 it was put on the agenda and then it was 5 revoked and given to Deputy Chief Rogowski -- 6 well, at the time Lieutenant Rogowski for 7 no apparent reason. 8 Q. How do you know that Director 9 Pitassi was irate? 10 A. That was what was told to me. 11 Q. Who told you? 12 A. I can't recall. 13 Q. You didn't see Director Pitassi 14 being irate? 15 A. I did not, no, but I -- I was 16 told also that he ran through the hallways 17 one day saying they want a war after the 18 article about his kid shooting his gun off 19 and then that spawn -- I mean, this is a 20 couple months between timeframe because I 21 was off work, you know, I had come back 22 and guys were actually making songs about 23 it. I don't know if you remember that 24 song, war, huh, and they were doing</p>	<p style="text-align: right;">56</p> <p>1 of times. I just know we discussed it. 2 Q. Ever have any conversations with 3 your father about an incident with fireworks 4 or some kind of explosive on your driveway? 5 A. Yes. 6 Q. When -- how many conversations? 7 A. Numerous. I don't recall the 8 context of every one of them, but I know 9 there was numerous including that the 10 administration did not do their job at 11 all. 12 Q. Do you recall any of those 13 conversations as you sit here today? 14 A. Particulars, no. 15 Q. Were you present that night when 16 there was -- something happened on the 17 driveway, the fireworks or explosion or 18 whatever? 19 A. You're going to have to be a 20 little more descriptive of something 21 happened. 22 Q. Do you recall an occasion where 23 there was a loud bang on your driveway at 24 night?</p>
<p style="text-align: right;">55</p> <p>1 impressions of the director, war, huh. 2 God no. 3 Q. Anything else? 4 A. That's it. 5 Q. Any other conversations you recall 6 as you sit here today with your father about 7 his promotion? 8 A. Just the fact that he got stabbed 9 in the back. 10 Q. When did that conversation take 11 place? 12 A. Just an overall consensus of what 13 the conversations would have consisted of. 14 I don't recall any particular conversations. 15 Q. All right. Ever have any 16 conversations with your father about an 17 incident involving Mr. Morales? 18 A. Yes. 19 Q. When did those conversations take 20 place -- strike that. 21 How many conversations 22 did you have with your dad about Morales? 23 A. Again, I don't recall specific 24 conversations and I don't recall the amount</p>	<p style="text-align: right;">57</p> <p>1 A. I recall an occasion where there 2 was dynamite blown up on my driveway, at 3 least an M-80 or a half stick. I would have 4 to guess based on the audibility of it and 5 the way my house shook. 6 Q. You were present? 7 A. I was present. I was inside my 8 parent's bedroom watching a movie with 9 them. 10 Q. And you heard a loud noise? 11 A. I heard an explosion, not a loud 12 noise, an explosion. 13 Q. And you went out -- did you go 14 outside? 15 A. I did. 16 Q. What did you see? 17 A. I saw fragments of what looked 18 like M-80 or half sticks because it's all 19 red wrapping and frayed firework display 20 of M-80 caliber. 21 I mean, it was -- you could 22 see there was a circular tube there the 23 size of an M-80 but naturally the evidence 24 technicians didn't take anything so -- and</p>

15 (Pages 54 to 57)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">58</p> <p>1 then this guy didn't do any follow-up work, 2 Rogowski. 3 Q. How do you know that? 4 A. He didn't ask me any questions. 5 I was a witness. Leonard next door was a 6 witness. He didn't ask him any questions. 7 Why? Because he is black. 8 Q. Anything else? 9 A. That's it. 10 Q. Any damage to the driveway? 11 A. There is still a stain on the 12 driveway, yeah. 13 Q. Other than the stain, any other 14 damage? 15 A. It came within three feet of my 16 truck, so you could exasperate if the 17 offender had a better arm, he would have 18 blown up my truck. 19 Q. Was your truck damaged? 20 A. To my recollection, no. 21 Q. And the stain you referred to, was 22 it within three feet of your truck? 23 A. Yes. 24 Q. Any conversations with your dad</p>	<p style="text-align: right;">60</p> <p>1 Director Pitassi told him the eyes of Texas 2 are upon you, which by the way is a racist 3 statement, has racist connotations but anyhow, 4 the eyes of Texas were upon my father -- we 5 had an agreement. I'm going to finish and 6 then you can talk. The eyes of Texas -- 7 Q. I -- 8 A. Well, you were getting ready. 9 The eyes of Texas were 10 upon my father meantime this other station 11 supervisor, his opposite Dino Dimaio, was 12 allowed to just go run amok, still, still 13 runs amok. He's a station supervisor. 14 He gets a personal car 15 to run around in, throw the people's elbow 16 to anybody who's locked up. Oh, we didn't 17 know that? 18 Q. Anything else? 19 A. Go ahead. 20 Q. What's the basis of your statement 21 that the words the eyes of Texas are on you 22 has racial connotations? 23 MR. CASPER: Object -- go 24 ahead.</p>
<p style="text-align: right;">59</p> <p>1 about being assigned a station supervisor? 2 A. Yes. 3 Q. As you sit here today, do you 4 recall any of those? 5 A. Specific conversations, no. What 6 we discussed, perhaps. 7 Q. What did you discuss with your dad 8 about being assigned a station supervisor? 9 A. That Pitassi did the same thing 10 he did to his former best friend, Johnny 11 Simpson, stuffed him in the fucking hole. 12 Q. Anything else? 13 A. The fact that it was an absolute 14 travesty because he took away his entire 15 supervision when my dad's shift, in 16 everybody's opinion, was the best shift 17 on the department. 18 Q. Anything else? 19 A. Not that I recall, no. 20 Q. Any conversations -- 21 A. Oh, wait. I do recall something. 22 Can I have the floor back, Jeff? 23 Q. Sure. 24 A. Okay. I do recall that</p>	<p style="text-align: right;">61</p> <p>1 BY THE WITNESS: 2 A. I would have to take a break to 3 get you the exact verbiage, but it was just 4 in the news, Jeffrey. 5 BY MR. FOWLER: 6 Q. Anything else? 7 A. That's it. 8 Q. Ever have any conversations with 9 your dad about him participating in shift 10 meetings as the station supervisor? 11 A. Shift meetings? Could you expound 12 on what that is? 13 Q. I don't know. Did you or he ever 14 talk about him being involved or not involved 15 in shift meetings? 16 A. Shift meetings, he didn't have 17 anybody under him. Who is he going to have 18 a meeting with, himself? 19 Q. Does that mean no? 20 A. They took away his entire -- all 21 his -- all his supported officers. Who 22 the hell is he going to have a meeting 23 with? Let me just type on the computer 24 and talk to myself.</p>

16 (Pages 58 to 61)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">62</p> <p>1 Q. Does that mean, no, you didn't -- 2 A. It means no. 3 Q. Did you ever have any conversations 4 with your dad about him having computer access 5 once he became station supervisor? 6 A. Yes. He didn't have a computer 7 in his office. 8 Q. And when did those -- as you sit 9 here today, do you recall any of those 10 conversations? 11 A. Particular conversations, no. 12 Q. Ever have any conversations with 13 your dad about his retirement plans? 14 A. Sure. 15 Q. As you sit here today, do you 16 recall any of those? 17 A. Well, he's retired right now 18 loving every second of it. 19 Q. Anything else? 20 MR. CASPER: Objection. I 21 move to strike that answer. 22 BY THE WITNESS: 23 A. As far as retirement goes, he's 24 enjoying his retirement.</p>	<p style="text-align: right;">64</p> <p>1 might get a promotion, they couldn't have 2 that because that gets in the way of all 3 of their traditions and old ways, the ways 4 they learned from Vito Scavo. 5 Q. When did you have the discussion 6 with your dad about him planning to be 7 deputy chief for a little bit? 8 A. It would have been around the 9 time that he was told by Mayor Serpico 10 that he was going to be promoted. 11 Q. Where did the conversation take 12 place? 13 A. Jeff, again, specific conversations, 14 I can't tell you three or four years ago 15 where they took place. 16 Q. Anybody else present? 17 A. I doubt it. 18 Q. And when you said it was around 19 the time, was it after the promotion to 20 deputy chief had been posted or before 21 then? 22 A. I wouldn't be able to recall that. 23 Q. Okay. During that conversation, 24 do you know who was present?</p>
<p style="text-align: right;">63</p> <p>1 MR. CASPER: Object. Move 2 to strike that answer. 3 BY MR. FOWLER: 4 Q. The question that I asked you is 5 did you have any discussions with your dad 6 about his retirement plans? 7 A. I said sure, yes. 8 Q. As you sit here today, do you 9 recall any of those? 10 A. Be descriptive as what do you mean 11 by plans, after retirement, retiring when? 12 What do you -- 13 Q. That's fair. That's fair. 14 And as I said at the beginning, 15 if you don't understand a question I ask you, 16 please let me know. 17 So prior to his retirement, 18 did you have any discussions with your dad 19 about when he would plan to retire? 20 A. We discussed that he planned to be 21 deputy chief for a little bit and he wanted 22 to right the ship of this department that's 23 obviously going in a wrong direction and 24 once the powers that be found out that he</p>	<p style="text-align: right;">65</p> <p>1 A. Me and my father. 2 Q. Anybody else? 3 A. I don't recall specific conversations 4 so obviously I couldn't recall who was there 5 besides me and my father. 6 Q. During that conversation that you 7 do recall, what did he say and what did you 8 say? 9 A. Just that he really wanted to 10 right the ship of this department and guys 11 were behind him, guys really wanted him 12 to be deputy chief and for whatever reason 13 the three men sitting across from me didn't 14 like that or at least two of them. 15 Q. How do you know that? 16 A. Because they can't keep their mouth 17 shut and they tell everybody in town and then 18 it comes back to you. 19 Q. So let me go that direction then. 20 Have you ever heard Deputy 21 Chief Castellan say anything about your 22 father's retirement? 23 A. About my father's retirement 24 specifically?</p>

17 (Pages 62 to 65)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">66</p> <p>1 Q. Yes.</p> <p>2 A. Just that he's got to be out by 62.</p> <p>3 Q. Anything else?</p> <p>4 A. Not that I recall at this time.</p> <p>5 Q. And the out by 62 refers to all</p> <p>6 police officers, doesn't it?</p> <p>7 MR. CASPER: Objection,</p> <p>8 foundation.</p> <p>9 BY THE WITNESS:</p> <p>10 A. That refers to yet another ordinance</p> <p>11 that was enacted against my father just like</p> <p>12 the two gun ordinances were enacted against my</p> <p>13 father yet Nunzio Maiello violated it every</p> <p>14 day by having a gun right here.</p> <p>15 Is it because he's obese?</p> <p>16 Maybe we should have physical activity where</p> <p>17 you have to get a stipend based on if you</p> <p>18 could complete physical activities because</p> <p>19 there is a lot of ways to shipshape this</p> <p>20 department. They don't want to do any of</p> <p>21 it.</p> <p>22 MR. CASPER: For the record,</p> <p>23 when the witness said right here,</p> <p>24 he put his hand up to his chest.</p>	<p style="text-align: right;">68</p> <p>1 A. I personally heard him run his</p> <p>2 snowplow business from his office during</p> <p>3 work hours.</p> <p>4 Q. Did you hear the question that</p> <p>5 I asked you?</p> <p>6 A. And I'm just telling you what I</p> <p>7 personally heard.</p> <p>8 Q. Is there a reason why you don't</p> <p>9 want to answer the question that I asked</p> <p>10 you?</p> <p>11 A. I'm telling you what I personally</p> <p>12 heard.</p> <p>13 Q. So my question was did you personally</p> <p>14 hear Deputy Chief Castellan say --</p> <p>15 A. No, I just know.</p> <p>16 Q. Let me finish my question. Okay?</p> <p>17 Did you hear Deputy</p> <p>18 Chief Castellan say that he couldn't wait</p> <p>19 to get rid of your father?</p> <p>20 A. No. I just know because that's</p> <p>21 what I was told from everybody that was</p> <p>22 around or in his office at the time and,</p> <p>23 no, I don't recall particular people,</p> <p>24 but even if I did, which I don't and I'm</p>
<p style="text-align: right;">67</p> <p>1 BY MR. FOWLER:</p> <p>2 Q. Anything else?</p> <p>3 A. That's it.</p> <p>4 MR. FOWLER: Could you read my</p> <p>5 question back, please?</p> <p>6 (Whereupon, the requested</p> <p>7 portion of the record was</p> <p>8 read accordingly.)</p> <p>9 BY THE WITNESS:</p> <p>10 A. Just references that he can't wait</p> <p>11 to get rid of him, can't wait to get the</p> <p>12 thorn out of his side and that was again</p> <p>13 police station rumor, but when Deputy Chief</p> <p>14 Castellan wants you to know something, he</p> <p>15 is very vocal about it.</p> <p>16 He'll have a whole group in</p> <p>17 his office and he'll purposely say it out</p> <p>18 loud at roll call just so everybody hears</p> <p>19 it, so he spreads his own rumors. He's his</p> <p>20 own hype man.</p> <p>21 BY MR. FOWLER:</p> <p>22 Q. Did you personally hear Deputy</p> <p>23 Chief Castellan say that he can't wait to</p> <p>24 get rid of your father?</p>	<p style="text-align: right;">69</p> <p>1 not saying I do, but even if I did, you</p> <p>2 guys would call them here, ask them a</p> <p>3 bunch of questions with these three guys</p> <p>4 staring at them, and for the record,</p> <p>5 Deputy Chief Rogowski, Director Pitassi</p> <p>6 and Deputy Chief Castellan staring at</p> <p>7 them, intimidating them.</p> <p>8 They ain't going to say</p> <p>9 nothing. They'll look at me and say I</p> <p>10 don't want to end up like John Scatchell</p> <p>11 or John Scatchell, Sr. Okay.</p> <p>12 For three years, you</p> <p>13 guys have used me as your punching bag</p> <p>14 to get at my father, so I apologize for</p> <p>15 the record if I have sworn a few times,</p> <p>16 but it's something I'm pretty passionate</p> <p>17 about because you guys have had no</p> <p>18 consideration for me from beginning to</p> <p>19 end in this, including you, Mr. Fowler,</p> <p>20 with your ex parte conversations with my</p> <p>21 doctors.</p> <p>22 Q. Anything else?</p> <p>23 A. No.</p> <p>24 Q. Have you ever heard personally</p>

18 (Pages 66 to 69)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">70</p> <p>1 Deputy Chief Castellan say anything about 2 your father? 3 A. Yes. 4 MR. CASPER: Object. Object 5 to asked and answered. 6 BY MR. FOWLER: 7 Q. What did you personally hear 8 Deputy Chief Castellan say about your 9 father? 10 A. At a Cubs game him and I sat next 11 to each other -- 12 Q. Okay. What did he say about your 13 father? 14 A. -- at a law enforcement game. 15 Well, he said something 16 to the effect of, well, Johnny babes, me 17 and your father, that's another story for 18 another day, but you can rest assured that 19 anything I do in my office is for the 20 safety of these officers. Really? Really? 21 Because anytime something 22 is turned over to him or turned over to 23 Director Pitassi unless it involves me or 24 somebody that's close to me or my father,</p>	<p style="text-align: right;">72</p> <p>1 have a cavalier conversation with the deputy 2 chief. When does that ever happen? But 3 then a few months later and right as that's 4 happening, you guys are putting in SOPs 5 about convicted felons, this, that and the 6 other and not telling anybody. 7 You guys are doing all 8 your little work behind the scenes already 9 when -- when all I was doing was doing my 10 job. 11 MR. CASPER: Hang on. I 12 would object. Now, we're moving 13 way beyond the question that was 14 asked as a narrative. 15 I'm going to move to 16 strike all of this. This is way 17 nonresponsive to the question. 18 BY MR. FOWLER: 19 Q. Anything else you want to say? 20 A. Your floor. 21 MR. CASS: Jeff, I would 22 like to request a quick break. 23 MR. FOWLER: Sure. 24 MR. CASS: It's 2:00 o'clock.</p>
<p style="text-align: right;">71</p> <p>1 it just gets, shhhh, shhhh, shhhh, shuffled 2 off. 3 Q. Anything else? 4 A. No. 5 Q. When did that Cubs game take place? 6 A. That would have been right before 7 everything took place with me. So that would 8 have been, I think, May of 2017. It was the 9 law enforcement game. The whole -- the whole 10 department went. 11 And to lay you a little 12 foundation there, okay, I went to be cordial. 13 I didn't like Deputy Chief Castellan as a 14 person. I didn't like a lot of people as 15 persons, but guess what, I was cordial. 16 I was a good officer. I 17 was nice to everybody. And you know what? 18 After -- that was right after the FOP thing 19 happened. I tried to mend fences. I tried 20 to be nice. I grabbed people one-on-one. 21 Raul, Pesch, Gepetta, Natale. What's your 22 problem with my father? Why can't we all 23 get along here? Why can't things be normal? 24 I go to that Cubs game, I</p>	<p style="text-align: right;">73</p> <p>1 Thanks. 2 (Whereupon, after a short 3 break was had, the following 4 proceedings were held 5 accordingly.) 6 BY MR. FOWLER: 7 Q. You were just referring to a Cubs 8 game that you attended along with a number 9 of other officers and you had a conversation 10 with Deputy Chief Castellan. 11 Do you recall that 12 discussion? 13 A. Yes. 14 Q. That game was on May 17th of 2017, 15 isn't that right? 16 A. If you're telling me, that means 17 you must have researched it, so I'm inclined 18 to believe you, but I'm not going to say for 19 certain that's the date. 20 Q. Any reason to think that was not 21 the date? 22 A. No reason to think not. I'm just 23 not certain. It makes sense. It's around 24 the time period.</p>

19 (Pages 70 to 73)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">74</p> <p>1 Q. In the fall of 2017, you went 2 hunting with Vito Scavo, didn't you? 3 A. Fifth Amendment. 4 Q. In the fall of 2017, you went 5 hunting with groups of people that included 6 Vito Scavo, right? 7 A. Fifth Amendment. 8 Q. In the fall of 2017, you went 9 hunting from your duck boat or your jon 10 boat with Vito Scavo -- 11 A. Fifth Amendment. 12 Q. -- right? 13 A. Fifth Amendment. 14 Q. There were occasions when you 15 were on one end of the boat and Mr. Scavo 16 was on the other end of the boat in 2017, 17 isn't that right? 18 A. Fifth Amendment. 19 Q. The occasions that you went hunting 20 in 2017, you sometimes brought a second shotgun, 21 true? 22 A. Fifth Amendment. 23 24</p>	<p style="text-align: right;">76</p> <p>1 A. Fifth Amendment. 2 MR. CASPER: Same objection. 3 Continuing objection 4 as to foundation as to all of 5 these questions. 6 BY MR. FOWLER: 7 Q. If you take a look at the second 8 page of Exhibit 47. 9 MR. COOPER: If it helps, 10 we'll stipulate, so you don't have 11 to go through each one, he's going 12 to take the Fifth as to each one. 13 BY MR. FOWLER: 14 Q. And just to be clear, the second 15 page of Exhibit 47 that shows you carrying 16 two long gun cases, is that true? 17 A. Fifth Amendment. 18 MR. COOPER: Jeff, when I 19 use the word stipulate, we'll -- 20 maybe it's a bad choice of words. 21 He will take the Fifth 22 Amendment as to each image. I 23 have looked at them and that's 24 my suggestion.</p>
<p style="text-align: right;">75</p> <p>1 (Document marked as Scatchell 2 Junior Exhibit No. 47 for 3 identification, 08/05/2020.) 4 BY MR. FOWLER: 5 Q. I'm handing you what's been marked 6 as Deposition Exhibit 47. Here's another 7 one. 8 (Document tendered 9 to the witness.) 10 BY THE WITNESS: 11 A. Same -- same thing, Jeff? 12 BY MR. FOWLER: 13 Q. Yeah, a copy. 14 So right now I want to look 15 at the first page of Exhibit 47. 16 Do you recognize that as a 17 photo of you? 18 MR. CASPER: Object to 19 foundation. 20 BY THE WITNESS: 21 A. Fifth Amendment. 22 BY MR. FOWLER: 23 Q. Who is the other individual in 24 the first page of Exhibit 47?</p>	<p style="text-align: right;">77</p> <p>1 BY MR. FOWLER: 2 Q. All right. And just to be clear, 3 take a look at the third page of Exhibit 47, 4 the one that's marked 466 on the lower right 5 corner. 6 A. Is there a question? 7 MR. CASPER: Hang on. 466? 8 MR. FOWLER: 466. It's actually 9 DSC00466, I think. 10 MR. CASPER: Got it. 11 BY MR. FOWLER: 12 Q. Do you see that photo? 13 A. (Witness nodded.) 14 Q. Yes? 15 A. Fifth Amendment. 16 Q. And that's an image of you carrying 17 a box, isn't that true? 18 A. Fifth Amendment. 19 Q. If you take a look at the page 20 that's marked DSC00281, do you recognize 21 that as an image of the field where you 22 have a pit blind that you hunted in 2017? 23 A. Fifth Amendment. 24 Q. In 2017 you saw Mr. Scavo shooting</p>

20 (Pages 74 to 77)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">78</p> <p>1 from the pit blind, didn't you?</p> <p>2 A. Fifth Amendment.</p> <p>3 Q. In 2017, you saw Mr. Scavo shooting</p> <p>4 from your boat?</p> <p>5 A. Fifth Amendment.</p> <p>6 Q. Okay. So we were talking about</p> <p>7 conversations involving Deputy Chief</p> <p>8 Castellán and what I'm really focusing on</p> <p>9 is conversations that you heard Deputy</p> <p>10 Chief Castellán say something. Understand?</p> <p>11 That if there is a question</p> <p>12 about whether you heard something from</p> <p>13 somebody else, that's going to be a separate</p> <p>14 question.</p> <p>15 Do you understand?</p> <p>16 A. Okay.</p> <p>17 Q. All right. Did you ever hear</p> <p>18 Deputy Chief Castellán say anything about</p> <p>19 your father having computer access?</p> <p>20 A. No.</p> <p>21 Q. Did you ever hear Deputy</p> <p>22 Chief Castellán say anything about your</p> <p>23 father's participation in meetings as a</p> <p>24 station supervisor?</p>	<p style="text-align: right;">80</p> <p>1 meetings?</p> <p>2 A. No, I was told.</p> <p>3 Q. Who told you?</p> <p>4 A. Word around the station.</p> <p>5 Q. You don't know?</p> <p>6 A. I can't recall at this time.</p> <p>7 Q. Did you ever hear Deputy</p> <p>8 Chief Castellán say anything about the office</p> <p>9 that your father was assigned to as station</p> <p>10 supervisor?</p> <p>11 A. Just that it was referred to as the</p> <p>12 hole by him and Pitassi.</p> <p>13 Q. Did you hear Deputy Chief Castellán</p> <p>14 say that?</p> <p>15 A. It's been referred to as the hole</p> <p>16 for many years.</p> <p>17 Q. Have you heard Deputy Chief Castellán</p> <p>18 refer to it as the hole?</p> <p>19 A. Over the years, I probably did, yes.</p> <p>20 Q. Do you recall any of those occasions</p> <p>21 specifically?</p> <p>22 A. Specifically, no, but it was a</p> <p>23 well-known fact that that office was</p> <p>24 referred to as the hole since Johnny</p>
<p style="text-align: right;">79</p> <p>1 A. Not direct personal knowledge,</p> <p>2 but I was told what he said and all of the</p> <p>3 supervisors except for my father were privy</p> <p>4 to those meetings. He was not invited.</p> <p>5 Q. Who told --</p> <p>6 A. Who? That was word amongst all</p> <p>7 of the supervisors.</p> <p>8 Q. You said that you were told. I'm</p> <p>9 asking who told you?</p> <p>10 A. One of the supervisors. I don't</p> <p>11 remember who, one of my lieutenants at the</p> <p>12 time or sergeants.</p> <p>13 Q. It wasn't Deputy Chief Rogowski or</p> <p>14 Director Pitassi?</p> <p>15 A. To me?</p> <p>16 Q. Yes.</p> <p>17 A. Not that I can recall at this time.</p> <p>18 Q. Did you ever hear Deputy</p> <p>19 Chief Castellán say anything about your</p> <p>20 father's assignment as station supervisor?</p> <p>21 A. Just word of what he would say at</p> <p>22 breakfast at Cafe 23 with all his group.</p> <p>23 Q. So what I'm asking you is did</p> <p>24 you hear him say something at those breakfast</p>	<p style="text-align: right;">81</p> <p>1 Simpson.</p> <p>2 Q. Anything else?</p> <p>3 A. No.</p> <p>4 Q. Have you ever heard Deputy</p> <p>5 Chief Castellán make any statements relating</p> <p>6 to the incident that you referred to as the</p> <p>7 M-80 or some other kind of explosion?</p> <p>8 MR. CASPER: Objection,</p> <p>9 misstates the testimony.</p> <p>10 BY THE WITNESS:</p> <p>11 A. To my recollection, that</p> <p>12 investigation was given to Deputy Chief</p> <p>13 Rogowski and he was derelict in his duties</p> <p>14 there.</p> <p>15 BY MR. FOWLER:</p> <p>16 Q. My question to you was have you</p> <p>17 ever heard Deputy Chief Castellán make any</p> <p>18 statements about that incident?</p> <p>19 A. Not that I can recall.</p> <p>20 Q. Have you ever heard Deputy</p> <p>21 Chief Castellán make any statements about</p> <p>22 the Morales incident involving your father?</p> <p>23 A. To be clear, Deputy Chief Castellán</p> <p>24 and I, I would have to put it as the last</p>

21 (Pages 78 to 81)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">82</p> <p>1 conversation we ever had face-to-face was</p> <p>2 probably at that Cubs game, so that might</p> <p>3 preempt a lot of your questions.</p> <p>4 Q. I still have to ask the questions.</p> <p>5 A. Go ahead.</p> <p>6 Q. Does that mean, no, you don't</p> <p>7 recall any conversations or any statements</p> <p>8 from Deputy Chief Castellan?</p> <p>9 A. Specifically with Deputy</p> <p>10 Chief Castellan, I don't recall at this</p> <p>11 time.</p> <p>12 Q. Have you ever heard Deputy</p> <p>13 Chief Castellan make any statements about</p> <p>14 your father's promotion to deputy chief?</p> <p>15 Sorry.</p> <p>16 A. Just what I was told around the</p> <p>17 station again that he was livid about it,</p> <p>18 he was beside himself, this guy is going</p> <p>19 to be deputy chief, he is going to come</p> <p>20 after the patrol division and he wants</p> <p>21 what I got, nobody is getting what I got.</p> <p>22 Those were the rumors</p> <p>23 that were going around and they come right</p> <p>24 from the breakfast table that he sits at.</p>	<p style="text-align: right;">84</p> <p>1 saying something about Kyll living out of</p> <p>2 town, how this wasn't going to stand --</p> <p>3 again, that was one of his situations where</p> <p>4 he purposely talks loud in roll call so</p> <p>5 everybody hears it and when we were rotating</p> <p>6 all three shifts, everybody had their turn</p> <p>7 to be on dayshift. So everybody heard</p> <p>8 whatever he wanted us to hear at the time.</p> <p>9 BY MR. FOWLER:</p> <p>10 Q. Okay. The comment that you're</p> <p>11 just referring to, when did that take</p> <p>12 place?</p> <p>13 A. I couldn't give you a time range.</p> <p>14 I just know it was around -- around that</p> <p>15 time period.</p> <p>16 Q. Around what time period?</p> <p>17 A. When all the -- all the -- when</p> <p>18 the start of this whole case occurred, all</p> <p>19 the stuff with Kyll around that time. I</p> <p>20 don't know exactly when it occurred.</p> <p>21 Q. And where did the statement take</p> <p>22 place?</p> <p>23 A. Well, it would have been in roll</p> <p>24 call because you can hear him from his</p>
<p style="text-align: right;">83</p> <p>1 So...</p> <p>2 Q. But you never heard Deputy</p> <p>3 Chief Castellan say any of those things?</p> <p>4 A. I don't recall if I did or not.</p> <p>5 Q. Have you ever heard Deputy</p> <p>6 Chief Castellan make any statements about</p> <p>7 the residency requirement?</p> <p>8 A. I mean, a lot of -- or at least</p> <p>9 one of his good friends doesn't live in</p> <p>10 town or that didn't live in town for at</p> <p>11 least ten years. So, I mean, what he</p> <p>12 has to say about the residency requirements</p> <p>13 is obviously subjective and biased.</p> <p>14 Q. Is there a reason why you don't</p> <p>15 want to answer the question I asked you?</p> <p>16 A. That's the best answer I could</p> <p>17 give you for that.</p> <p>18 MR. FOWLER: Read the question</p> <p>19 back, please.</p> <p>20 (Whereupon, the requested</p> <p>21 portion of the record was</p> <p>22 read accordingly.)</p> <p>23 BY THE WITNESS:</p> <p>24 A. I do remember overhearing him</p>	<p style="text-align: right;">85</p> <p>1 office when he wants to be loud.</p> <p>2 Q. So you're saying he was in his</p> <p>3 office?</p> <p>4 A. Who, Castellan?</p> <p>5 Q. Yes.</p> <p>6 A. At the time I would have to say</p> <p>7 yeah.</p> <p>8 Q. Who else was present in the roll</p> <p>9 call room --</p> <p>10 A. Whoever was working --</p> <p>11 Q. -- when you heard that statement?</p> <p>12 A. Whoever was working on that given</p> <p>13 day --</p> <p>14 Q. Do you recall?</p> <p>15 A. -- and God help me, I should have</p> <p>16 wrote it down.</p> <p>17 Q. Do you recall who it was?</p> <p>18 A. No. Whoever was on my shift at</p> <p>19 the time.</p> <p>20 Q. What exactly did you hear Deputy</p> <p>21 Chief Castellan say about residency?</p> <p>22 A. Just that he was upset about Kyll</p> <p>23 violating residency even though he had a</p> <p>24 federal decree that says he doesn't have</p>

22 (Pages 82 to 85)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">86</p> <p>1 to live here. In the meantime, he overlooks 2 everybody else that lives out of town and 3 has lived out of town. 4 Q. How do you know that there's a 5 federal decree that says Kyll can live out 6 of town? 7 A. That was what was told around the 8 station. That's what everybody knew. I was 9 told that he got hired along with a fireman 10 at the time under the -- I forget -- you 11 have to forgive me. I forget what the exact 12 legal thing was called, but it was a ruling 13 in his favor and the female firefighter and 14 he stayed on and she, I don't really know 15 what happened to her. 16 Q. So other than a rumor around the 17 station, any other basis for your belief 18 that he was allowed to live outside of town 19 pursuant to a federal decree? 20 A. Just what I was told. 21 Q. By whom? 22 A. From rumors around the station and 23 such. 24 Q. And other than that statement</p>	<p style="text-align: right;">88</p> <p>1 Q. When is the first time you recall 2 Deputy Chief Castellan asking about Vito 3 Scavo? 4 MR. COOPER: You can answer 5 that. 6 BY THE WITNESS: 7 A. From the day I got on the job. 8 I walked in the building, hey, how's the 9 chief doing. 10 BY MR. FOWLER: 11 Q. Asking that specifically of you? 12 A. Right. And he could have asked 13 Mayor Serpico, he could have asked Deputy 14 Chief Campanili, he could have asked Trustee 15 Prignano. They all visited Vito in prison. 16 Q. But your understanding was that 17 he asked you because he knew that you had 18 a relationship with Mr. Scavo? 19 A. He had a relationship with 20 Mr. Scavo. 21 Q. So my question to you -- 22 A. He dug some of the pits that 23 Vito hunted out of while he was working. 24 Q. My question to you is your</p>
<p style="text-align: right;">87</p> <p>1 that relates to Kyll Lavalais's residency, 2 have you ever heard Deputy Chief Castellan 3 make any other statements relating to Kyll 4 Lavalais? 5 A. Directly to Kyll at this time I 6 don't recall any, but I -- I have to think 7 on that. 8 Q. Have you ever heard Deputy 9 Chief Castellan say anything about Kyll 10 Lavalais to someone else? 11 A. No, mostly because he wouldn't 12 talk in my presence. The only thing he 13 would ever ask me, hey, Johnny babes, 14 how's the chief and he wasn't referring 15 to Pitassi. He was referring to Vito 16 Scavo. 17 Q. Anything else? 18 A. That's all. 19 Q. So your belief was that Deputy 20 Chief Castellan knew about your relationship 21 with Vito Scavo long before -- 22 A. Fifth Amendment. 23 Q. -- 2017? 24 A. Fifth Amendment.</p>	<p style="text-align: right;">89</p> <p>1 understanding of him -- why he asked 2 you about Mr. Scavo was because Deputy 3 Chief Castellan knew you had a 4 relationship with Mr. Scavo, correct? 5 A. Yes. And I would ask him how 6 Harpo was because I knew he had a 7 relationship with Harpo. 8 Q. Now, you referred to a residency 9 issue involving Deputy Chief Castellan's 10 friend? 11 A. I perceive him to be a friend, yes. 12 Q. Who is that? 13 A. Steve Pesch. He brings him gifts 14 while he's on duty. 15 Q. Where does Steve Pesch live? 16 A. He claims he lives on 22nd, 1500 17 block, but we all know that's a lie. He 18 lives off Lies Avenue in Carol Stream. I 19 think it's Rose Street, something like 20 that. 21 Q. How do you know that? 22 A. It's public knowledge. Look it 23 up on Google. 24 Q. How do you know that?</p>

23 (Pages 86 to 89)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">90</p> <p>1 A. I looked it up on Google.</p> <p>2 Q. What did you look up on Google?</p> <p>3 A. Steve Pesch and residency popped</p> <p>4 up.</p> <p>5 Q. Anything else?</p> <p>6 A. Everybody knew he lived in Homer</p> <p>7 Glen or Homewood-Flossmoor, one of the two</p> <p>8 for ten years before he moved to Carol</p> <p>9 Stream, then he bought the house in 2014.</p> <p>10 Go look that up on Google. It's right</p> <p>11 there.</p> <p>12 Q. What house?</p> <p>13 A. Black and white. You guys fired</p> <p>14 Devon Moss while he was in Afghanistan, a</p> <p>15 good policeman. I was a good policeman</p> <p>16 in my opinion. You guys haven't brought</p> <p>17 anybody here to say otherwise. You guys</p> <p>18 fired Devon Moss while he was overseas</p> <p>19 for residency, but you'll promote Pesch</p> <p>20 and you'll put Jerry Manzel in detectives,</p> <p>21 the same Jerry Manzel that when Vito Scavo</p> <p>22 was indicted fled to Italy so he wouldn't</p> <p>23 have to testify, that Jerry Manzel, or</p> <p>24 Nello Barone who claimed he was insane</p>	<p style="text-align: right;">92</p> <p>1 A. (Witness nodded.)</p> <p>2 Q. How do you know he lived in</p> <p>3 Homewood-Flossmoor for ten years?</p> <p>4 A. It was either Homer Glen or</p> <p>5 Homewood-Flossmoor, I'm not sure which</p> <p>6 of the two. I know it starts with an</p> <p>7 H, but that was where he was born I</p> <p>8 believe or where he grew up.</p> <p>9 Q. How do you know that he lived</p> <p>10 there for ten years while he was employed</p> <p>11 by the village?</p> <p>12 A. Because guys from shift would</p> <p>13 go to parties at his house. He invited</p> <p>14 me specifically to his house. He invited</p> <p>15 many people to his house.</p> <p>16 It wasn't a secret until</p> <p>17 they just decided to start firing people</p> <p>18 for residency and pick and choose and</p> <p>19 cherry pick what they want to do. It's</p> <p>20 called disparate treatment.</p> <p>21 Q. How do you know that Deputy</p> <p>22 Chief Castellan knew that Steve Pesch was</p> <p>23 not a resident of the village?</p> <p>24 A. Because he was told so by Pitassi.</p>
<p style="text-align: right;">91</p> <p>1 or some type of disability when Vito</p> <p>2 Scavo got indicted. I'm not exactly</p> <p>3 sure what he did, but he wasn't even</p> <p>4 state certified until, what, 2003. He</p> <p>5 worked five years on the street without</p> <p>6 state certification and you guys are</p> <p>7 worried about pittance of me doing whatever</p> <p>8 you accuse me of doing. This is a mockery,</p> <p>9 nothing more.</p> <p>10 Q. Anything else?</p> <p>11 A. I said nothing more.</p> <p>12 Q. Okay. You said that Mr. Pesch</p> <p>13 or Pesch bought a house?</p> <p>14 A. You can call him Sergeant Pesch</p> <p>15 because he got promoted so go ahead and</p> <p>16 refer to him as that.</p> <p>17 Q. Sergeant Pesch you said he bought</p> <p>18 a house?</p> <p>19 A. In Carol Stream.</p> <p>20 Q. And when was?</p> <p>21 A. 2014.</p> <p>22 Q. And how do you know that?</p> <p>23 A. Google.</p> <p>24 Q. Anything else?</p>	<p style="text-align: right;">93</p> <p>1 They were all told. They knew. Come</p> <p>2 on. There are many a people that he knew</p> <p>3 lived out of town. He tried to throw Dave</p> <p>4 Hilgenberg under the bus for living out of</p> <p>5 town when he actually lived in town because</p> <p>6 he didn't like Davie.</p> <p>7 Q. How do you know?</p> <p>8 A. Because Davie told me.</p> <p>9 Q. Anything else?</p> <p>10 A. That's it.</p> <p>11 Q. How do you know that Deputy</p> <p>12 Chief Castellan knew that Steve Pesch</p> <p>13 lived out of town?</p> <p>14 A. Because the entire department</p> <p>15 knew and he was told to his face by people</p> <p>16 that didn't like Pesch.</p> <p>17 Q. How do you know that Deputy</p> <p>18 Chief Castellan --</p> <p>19 A. Because I said it to him once too.</p> <p>20 Q. When did you say it to --</p> <p>21 A. I don't recall when it was, but</p> <p>22 I said why is this allowed? This guy</p> <p>23 hasn't lived in town ever, ever at that</p> <p>24 point.</p>

24 (Pages 90 to 93)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">94</p> <p>1 Q. Where did that conversation take 2 place? 3 A. Probably in his office because the 4 first few years I was on the job, he tried 5 to play cordial with me. I knew his game. 6 He didn't like me. I really don't care one 7 way or the other about him, but he would 8 try to get little tidbits of information 9 from me about anything he could. 10 Oh, Johnny babes, come 11 in my office. Oh, hey, look, you got an 12 overtime slip. Oh, you want to work the 13 taste, Johnny babes, how's Vito doing, 14 how's this, hey, oh. I don't do small 15 talk with him because I don't trust him, 16 never did. 17 Q. When you said that you told 18 him that Pesch lived out of town, was 19 anybody else present? 20 A. Not that I recall. 21 Q. During that conversation as best 22 you can recall, what did you say to him 23 and what did he say to you? 24 A. I said how is this allowed. This</p>	<p style="text-align: right;">96</p> <p>1 except for spending the night. You'll 2 never see my family here, the reason 3 because I don't live here. 4 Q. Who told you that? 5 A. I don't recall at this time. 6 Q. How do you know that Deputy 7 Chief Castellan knew that Jerry Manzel was 8 not a resident of Melrose Park? 9 A. The entire department knew. 10 Every -- to be clear, everybody here knows 11 the score. Everybody knows that Devon got 12 secured over and Pesch was allowed to stay. 13 Jeff Juan got screwed over or forced out and 14 Manzel was allowed to stay. 15 Lenny Bartemio lived out 16 of town for a long time and that was okay, 17 which, hey, I like Lenny, but let's call 18 a spade a spade. He lived out of town. 19 Okay? 20 Davie did live out of 21 town at one point. He moved back and 22 Castellan still tried to throw it in his 23 face, but ignored all the blatant evidence 24 right in front of him because those are his</p>
<p style="text-align: right;">95</p> <p>1 guy hasn't lived in town for all this time, 2 but I didn't say this, I should've, is it 3 because he brought you a gift right before 4 you put him in tact in the power car. 5 Q. Anything else? 6 A. Just months -- not even -- it 7 wasn't even a month before it, you got a 8 picture of Steve walking into his backyard 9 with a gift in uniform and then he gets 10 promoted and to be clear Steve Pesch might 11 be a likable guy, I believe there is a 12 lot better candidates to be a sergeant 13 than him. 14 Q. Was there anything else said in 15 that conversation? 16 A. There might have been. I don't 17 recall at this time. 18 Q. How do you know that Jerry Manzel 19 was not a resident of Melrose Park? 20 A. Because of Google and because 21 somebody spoke to his neighbor who gave 22 me the information of what he told his 23 neighbor. 24 You'll never see me here</p>	<p style="text-align: right;">97</p> <p>1 friends -- 2 Q. Anything else? 3 A. -- or as they're referred to at 4 the station, the dirty dozen. 5 Q. Did you ever tell Deputy 6 Chief Castellan that Manzel lived out of 7 town? 8 A. Me personally, I don't think I 9 did, but my opinion -- 10 Q. Were you ever -- 11 A. -- is Jerry Manzel shouldn't have 12 been a police officer still because he fled 13 to avoid having to testify in an indictment. 14 Q. Were you ever present when somebody 15 else told Deputy Chief Castellan that Manzel 16 was not a resident? 17 A. I don't recall at this time. 18 Q. Did you ever tell Director Pitassi 19 or -- 20 A. I told Director Pitassi hundreds of 21 things. 22 Q. Let me finish my question. Okay? 23 A. Go ahead. Sorry. 24 Q. I mean if you want to not only be</p>

25 (Pages 94 to 97)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">98</p> <p>1 here all day today but come back another</p> <p>2 day --</p> <p>3 A. Jeff --</p> <p>4 Q. -- to finish, certainly, I can do</p> <p>5 that.</p> <p>6 A. Jeff, to be clear, I'm a civilian</p> <p>7 now. My schedule is wide open. Whatever</p> <p>8 you want to do.</p> <p>9 Q. Did you ever tell Director Pitassi</p> <p>10 that Jerry Manzel was not a resident of Melrose</p> <p>11 Park?</p> <p>12 A. I believe I did.</p> <p>13 Q. When did you do that?</p> <p>14 A. I don't know. It would have been</p> <p>15 a couple years ago when all this -- actually,</p> <p>16 I do know when I told him.</p> <p>17 Q. When was that?</p> <p>18 A. I can recall exactly when I told</p> <p>19 him when we were walking out of the senior</p> <p>20 center after one of my hearings and I told</p> <p>21 him to his face you're allowing this guy</p> <p>22 to live out of town, that guy to live out</p> <p>23 of town. You know what his answer to me was?</p> <p>24 Well, you know that's</p>	<p style="text-align: right;">100</p> <p>1 Just like when I presented</p> <p>2 charges against Castellan and nobody wanted</p> <p>3 to do anything about it. Oh, we can't hear</p> <p>4 this, we can't do this. Well, you knew about</p> <p>5 it.</p> <p>6 To be clear Rogowski knew</p> <p>7 about it, Pitassi knew about it and you know</p> <p>8 what I was told, well, write a complaint</p> <p>9 form and maybe we'll look at it. You just</p> <p>10 were told about it. What do you need a</p> <p>11 complaint form? Look into it. You</p> <p>12 looked into stuff based on a lot less and</p> <p>13 we know that.</p> <p>14 Q. Anything else?</p> <p>15 A. That's it.</p> <p>16 Q. Did you ever have any conversations</p> <p>17 with Deputy Chief Rogowski about Pesch not</p> <p>18 being a resident?</p> <p>19 A. Again, I told you, after I left</p> <p>20 his shift, he had nothing to do with me --</p> <p>21 Q. You referred to --</p> <p>22 A. -- because I wasn't one of his</p> <p>23 boys.</p> <p>24 Q. You referred to Davie.</p>
<p style="text-align: right;">99</p> <p>1 politics, you know, the big guy, calls</p> <p>2 him the big guy and that's in reference</p> <p>3 to Mayor Serpico.</p> <p>4 Q. Anybody else present?</p> <p>5 A. My mom.</p> <p>6 Q. Anybody else?</p> <p>7 A. Not that I recall.</p> <p>8 Q. At that point in time, was Jerry</p> <p>9 Manzel a resident?</p> <p>10 A. No. He still isn't.</p> <p>11 Q. Okay. Have you ever had any</p> <p>12 conversations with Deputy Chief Rogowski</p> <p>13 about Jerry Manzel not being a resident?</p> <p>14 A. Deputy Chief Rogowski after I</p> <p>15 left his shift wouldn't even look at me</p> <p>16 or so much as talk to me, so no.</p> <p>17 Q. Ever have any conversations with</p> <p>18 Director Pitassi about Steve Pesch not</p> <p>19 being a resident?</p> <p>20 A. I said it the same day I said</p> <p>21 about Jerry. And I said a lot of other</p> <p>22 things which I can't recall, but he knows,</p> <p>23 but he doesn't want to do anything about</p> <p>24 it.</p>	<p style="text-align: right;">101</p> <p>1 Who is Davie?</p> <p>2 A. Hilgenberg.</p> <p>3 Q. Hilgenberg?</p> <p>4 A. Uh-huh.</p> <p>5 Q. H-I-L-G-E-N --</p> <p>6 A. Something like that.</p> <p>7 Q. -- B-E-R-G?</p> <p>8 A. And Deputy Chief Castellan for</p> <p>9 years has tried to pin an argument on my</p> <p>10 dad between him and Hilgenberg and still</p> <p>11 continues to do it to this day when he sees</p> <p>12 Hilgenberg.</p> <p>13 Q. And I -- again, this is something</p> <p>14 that -- please listen to the questions I ask</p> <p>15 you.</p> <p>16 A. I hear the question. Go ahead.</p> <p>17 Q. And answer the questions.</p> <p>18 A. I'm answering to the best of my</p> <p>19 ability, Jeff.</p> <p>20 Q. Dave Hilgenberg is a police officer</p> <p>21 with the Village of Melrose Park?</p> <p>22 A. I believe so, yes.</p> <p>23 Q. And how long has he been in that</p> <p>24 position?</p>

26 (Pages 98 to 101)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">102</p> <p>1 A. Probably 20 years.</p> <p>2 Q. And is it your position that he's</p> <p>3 not a resident?</p> <p>4 A. He is resident. My point is</p> <p>5 Deputy Chief Castellan because he didn't</p> <p>6 like Hilgenberg tried to threaten him by</p> <p>7 saying I'm putting you on the list of</p> <p>8 people that live out of town when he knew</p> <p>9 damn well that Davie lived on 18th, and</p> <p>10 excuse my language.</p> <p>11 Q. Okay. Anybody else who you</p> <p>12 believe was not a resident and was not</p> <p>13 investigated regarding residency?</p> <p>14 A. I really don't have to go further</p> <p>15 beyond the two people that were promoted</p> <p>16 in the last year, Steve Pesch, Jerry Manzel,</p> <p>17 that's it.</p> <p>18 Q. Anybody else?</p> <p>19 A. That I can recall right now, no,</p> <p>20 but I'm not ruling it out. And firemen,</p> <p>21 who knows.</p> <p>22 Q. Have you ever had any conversations</p> <p>23 with Director Pitassi about Kyll Lavalais?</p> <p>24 A. No.</p>	<p style="text-align: right;">104</p> <p>1 Q. Have you ever had any conversations</p> <p>2 with Director Pitassi about the residency</p> <p>3 requirement?</p> <p>4 A. I just told you I did at that --</p> <p>5 coming from the senior center when I told</p> <p>6 him about Pesch and Jerry.</p> <p>7 Q. Any others?</p> <p>8 A. That I can recall, no, because</p> <p>9 he would never open his door to me. He's</p> <p>10 supposed to have this open door policy.</p> <p>11 He has known me since I've about this high</p> <p>12 and I'm indicating about 12 inches off</p> <p>13 the ground or 18 inches off the ground.</p> <p>14 I grew up with his son,</p> <p>15 went to school with his son. He claims</p> <p>16 he has this open door policy, but that's</p> <p>17 not the case because he never brought me</p> <p>18 in his office. I wasn't even welcome in</p> <p>19 his office. During my grievances, I</p> <p>20 tried to have a confer and meet with him.</p> <p>21 He refused.</p> <p>22 Q. Anything else?</p> <p>23 A. That's it.</p> <p>24 MR. CASPER: Counsel, may I</p>
<p style="text-align: right;">103</p> <p>1 Q. Okay. And have you ever heard</p> <p>2 Director Pitassi make any statements about</p> <p>3 Kyll Lavalais?</p> <p>4 A. Just the statements that I was</p> <p>5 told that I referred to earlier with the</p> <p>6 conversation with my father.</p> <p>7 Q. And to be clear what I'm asking</p> <p>8 is have you ever personally heard Director</p> <p>9 Pitassi make any comment about Kyll</p> <p>10 Lavalais?</p> <p>11 A. If you walk in the station at</p> <p>12 like 11:00 o'clock to get the mail run,</p> <p>13 he's screaming about something usually</p> <p>14 and I'm sure a couple of those times it</p> <p>15 was about Kyll because when he's mad, he</p> <p>16 leaves his door open and what the fuck,</p> <p>17 this, that, swears, everything comes out</p> <p>18 of that office. It doesn't matter. He</p> <p>19 doesn't care.</p> <p>20 Q. On any of those occasions,</p> <p>21 though, you don't know what it was about?</p> <p>22 A. Again, we're talking about three</p> <p>23 years at least in the past, I don't recall</p> <p>24 at this time.</p>	<p style="text-align: right;">105</p> <p>1 take a two-minute break? I've</p> <p>2 got something I have to give to</p> <p>3 someone outside.</p> <p>4 MR. FOWLER: Sure.</p> <p>5 (Whereupon, after a short</p> <p>6 break was had, the following</p> <p>7 proceedings were held</p> <p>8 accordingly.)</p> <p>9 BY MR. FOWLER:</p> <p>10 Q. Have you ever heard Director</p> <p>11 Pitassi say anything about your father's</p> <p>12 promotion to deputy chief?</p> <p>13 A. Well, to circle back to the</p> <p>14 comment I made earlier about the eyes of</p> <p>15 Texas are upon him, that comment was made</p> <p>16 to my father relayed to me.</p> <p>17 I heard it from my father,</p> <p>18 but that being said to let you understand</p> <p>19 what the racist connotation was, I guess</p> <p>20 apparently the University of Texas used</p> <p>21 to have some type of performances and that's</p> <p>22 their fight song and when it was performed</p> <p>23 early on, it was performed in blackface</p> <p>24 and it's so offensive to the current Texas</p>

27 (Pages 102 to 105)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">106</p> <p>1 football players that they refuse to take 2 the field until that song is removed. 3 So it's kind of ironic 4 that he uses a statement like that when 5 we're talking about the only person that 6 backup the last remaining black police 7 officer in the Melrose Park police force. 8 Makes kind of perfect sense actually. 9 Q. Do you have any reason to believe 10 that Deputy Chief -- or I'm sorry -- that 11 Director Pitassi had anything to do with 12 the University of Texas? 13 A. No, but I believe he knows or 14 should reasonably know what is okay and 15 not okay to say in this day and age and 16 saying nigger, saying the eyes of Texas 17 are upon you and any other of the euphemisms 18 that he uses regularly in his office are not 19 tolerable in today's police force and that's 20 why you see the situation that's going on 21 in this country. There's a distrust with 22 our police force and it stems with the 23 chief. 24 MR. BERSANI: Can we get the</p>	<p style="text-align: right;">108</p> <p>1 we're going to be here all day, 2 which could be very expensive. 3 MR. FOWLER: Chris, I'm 4 going to expand on that. 5 THE WITNESS: You guys have 6 never had any care about cost 7 during this entire proceeding. 8 Now, you do? 9 MR. FOWLER: Chris, as you're 10 well aware, transcripts have costs. 11 Attorney time has costs. If this 12 continues, we're going to have to 13 address it with the judge. 14 MR. COOPER: One second. 15 MR. CASPER: Well, you know, 16 my co-counsel does make a good 17 point that Mr. Kyra, on Monday, 18 was repeating my question back 19 to me ad nauseam infinite number 20 of times all day and I did put up 21 with it I thought in a very 22 gentlemanly fashion. 23 So I would myself prefer 24 Mr. Scatchell listen to the question</p>
<p style="text-align: right;">107</p> <p>1 question answered, please? You 2 just went off on a narrative. 3 If you just answer -- 4 THE WITNESS: Excuse me. I 5 don't -- 6 MR. BERSANI: I'm not talking 7 to you. 8 THE WITNESS: Okay. Well, I 9 don't interrupt you when I'm talking. 10 MR. BERSANI: Can we -- can 11 we have the witness directed to 12 just answer the questions? 13 Otherwise, we are going to be 14 here forever. 15 MR. CASPER: It's not my -- 16 it's not my client. 17 MR. BERSANI: I'm talking to -- 18 he's not your client? 19 MR. CASPER: Not for this. 20 Not for purposes of this. 21 MR. BERSANI: Then, Chris, I 22 mean, I think he should be answering 23 the question that's asked and not 24 go off on narratives. Otherwise,</p>	<p style="text-align: right;">109</p> <p>1 and answer the question, but if 2 we're going to talk about going 3 to the judge, Monday with him was 4 very difficult for me too. So... 5 MR. FOWLER: I don't think 6 you're suggesting that I have been 7 ungentlemanly toward the witness. 8 MR. CASPER: No, you have not 9 been, but for purposes of our 10 colloquy here -- 11 MR. FOWLER: I think that there 12 was a difference between Officer 13 Kyra's and this, but we'll address 14 that depending on the result of 15 Mr. Cooper's conversations with 16 his client. 17 MR. COOPER: Well, I certainly 18 don't see it that way. I can tell 19 you that my client is prepared to 20 continue to answer questions. 21 BY MR. FOWLER: 22 Q. So the question that I asked you 23 was have you ever heard Director Pitassi say 24 anything about your father's promotion?</p>

28 (Pages 106 to 109)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">110</p> <p>1 A. And I told you that that was what 2 I heard through my father but never do I 3 recall hearing anything specific that I 4 recall at this time -- 5 Q. Okay. So let me phrase the question 6 differently -- 7 A. -- out of Director Pitassi's mouth. 8 Q. So let me phrase the question 9 differently. Have you ever personally 10 heard Director Pitassi say anything about 11 your father being promoted to deputy 12 chief? 13 A. Personally, no, just what was 14 said. 15 Q. Have you ever personally heard 16 Director Pitassi say anything about the 17 Morales incident? 18 A. Not that I can recall at this 19 time. 20 Q. Have you ever personally heard 21 Director Pitassi say anything about the 22 M-80 incident? 23 A. I can't recall. My mother might 24 have said something to him that day when</p>	<p style="text-align: right;">112</p> <p>1 A. There may have been. There might 2 have been the CSO might have heard it. I'm 3 not sure. 4 Q. Do you know who else was in the 5 office? 6 A. I don't recall. 7 Q. What exactly did you hear 8 Director Pitassi say at that time? 9 A. Something referring to the jag-off 10 in the hole. 11 Q. That's all you heard? 12 A. Yes. I'm sorry, I don't linger 13 outside of doors and listen, but when I 14 hear something, I'm not going to ignore 15 it. 16 Q. Have you ever personally heard 17 Director Pitassi say anything about your 18 father participating in meetings as station 19 supervisor? 20 A. No, not Director Pitassi that I 21 can recall. 22 Q. Have you ever personally heard 23 Director Pitassi say anything about your 24 father's access to a computer while he was</p>
<p style="text-align: right;">111</p> <p>1 we were walking from the senior center. 2 I'm sure she did, but I don't recall it. 3 Q. Have you ever personally heard 4 Director Pitassi say anything about your 5 father's assignment as station supervisor? 6 A. I overheard a conversation one 7 day where he referred to the jag-off in 8 the hole, so I assumed that he was referring 9 to my father because Dino has breakfast with 10 him every day, so there is only one person 11 he could be referring to. 12 Q. When did that conversation take 13 place? 14 A. Whenever my dad was in the hole. 15 So, 2018, I would have to say. 16 Q. Where did the conversation take 17 place at? 18 A. I overheard it out of his office. 19 Q. Who was present? 20 A. Maybe Jojetta was there, maybe she 21 wasn't. I'm not sure if she was on lunch or 22 not. She could hear a lot of stuff that he 23 says and probably testify to a lot of it. 24 Q. Was anybody present with you?</p>	<p style="text-align: right;">113</p> <p>1 station supervisor? 2 A. I don't recall ever hearing him 3 say it, but if the word was around the 4 station that my father was shut out of 5 the computers where everybody was saying 6 it, I'm sure he knew. 7 Q. Have you ever personally heard 8 Director Pitassi say anything relating to 9 your father's retirement? 10 A. Personally, no, but word-of-mouth, 11 yes. 12 Q. The word of mouth, was it from 13 any of the deputy chiefs or -- of the police 14 department? 15 A. I mean it could have been through 16 who they told. 17 Q. Did you hear it from any of the 18 deputy chiefs? 19 A. Personally, no. Again, they 20 don't talk to me. How would I hear it? 21 Q. Have you ever personally heard 22 Director Pitassi say anything about your 23 father's age? 24 A. Just -- again, nothing personal,</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">114</p> <p>1 but the word of mouth is I can't wait to 2 get him out of here at 62, but the caveat 3 to that was they had to get rid of Castellan 4 too. 5 Q. So you're saying -- you're aware 6 that Deputy Chief Castellan had to retire 7 at 62? 8 A. I'm -- I'm hypothesizing. I'm 9 not sure, but he did get another village 10 job that wasn't posted anywhere. 11 Q. Have you ever heard Deputy 12 Chief Castellan say anything about your 13 father's age? 14 A. Well, given that the last 15 discussion I had with him that I told 16 you earlier was you pinpointed the date 17 to May 17th, I would say no because that 18 would be before that period of time. 19 Q. Have you ever heard Deputy 20 Chief Castellan say anything about your 21 father filing any EEOC charge? 22 A. Not that I can recall because 23 I believe when my dad filed the EEOC, I 24 was on vacation, but I did hear rumblings</p>	<p style="text-align: right;">116</p> <p>1 told you? 2 A. Or people that were sitting at 3 the nearby table told me. 4 Q. Who were they? 5 A. I don't recall at this time. 6 Q. Anything else? 7 Have you ever heard 8 Director Pitassi -- strike that. 9 Have you ever personally 10 heard Director Pitassi say anything about 11 your dad's EEOC charge? 12 A. Personally, no, because, again, 13 he filed the EEOC while I was on vacation. 14 I came back and whatever else happened, 15 then I came back to work probably four 16 or five months after that. So anything 17 I would have heard would be four or five 18 months delayed, but I did hear rumors. 19 Q. Have you ever heard Deputy 20 Chief Rogowski say anything about your dad's 21 EEOC charge? 22 A. Not that I can recall. 23 Q. Have you ever heard Deputy 24 Chief Rogowski ever say anything about your</p>
<p style="text-align: right;">115</p> <p>1 that he was not happy, none of them were 2 happy. 3 Q. Have you ever heard Director 4 Pitassi say anything about your father filing 5 any EEOC charge? 6 A. Yeah, actually -- well, not 7 personally but to my grandfather by proxy. 8 Q. What did -- what is your knowledge 9 about Director Pitassi saying something to 10 your grandfather about your dad's EEOC? 11 A. Director Pitassi used that as the 12 rationale to explain to my grandfather why 13 he wanted to fire me. 14 Q. When did that conversation take 15 place? 16 A. I would have to assume after I was 17 given the statement of charges, sometime 18 therein. I know he broke bread with him at 19 Tom's Steak House, and my uncle. 20 Q. You were not present, right? 21 A. I was not present, no, but they 22 were discussing me. 23 Q. Whatever you know is something 24 that either your grandfather or your uncle</p>	<p style="text-align: right;">117</p> <p>1 dad's age? 2 A. Not that I can recall. 3 Q. Have -- 4 A. Again, to be clear, I haven't 5 worked with Deputy Chief Rogowski since 6 probably 2016 at some point and I would 7 ballpark that as the last time I actually 8 had a conversation with him because he 9 blocked me from his phone, so did Pitassi. 10 I mean, I don't talk to 11 any of them, so I could -- I know you got 12 to ask the questions, but I can help you 13 out a little bit there. 14 Q. So is it fair to say that you 15 have not heard Deputy Chief Rogowski make 16 any statements whatsoever to you since, 17 say, January 1, 2017? 18 A. Aside from minor, like, hi/bye, 19 whatever, yeah, I would say him and I haven't 20 had any kind of conversation. 21 Q. So have you ever heard Deputy 22 Chief Rogowski make any statements to anybody 23 else about your dad's age? 24 A. No, but I -- I was told again rumors</p>

30 (Pages 114 to 117)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">118</p> <p>1 about things he says and where he wants 2 to go with that but, again, I don't talk 3 to them so no. 4 Q. Have you ever heard Deputy 5 Chief Rogowski make any statements to 6 anybody else about your dad's retirement? 7 A. Not that I can recall at this 8 time. 9 Q. Have you ever heard Deputy 10 Chief Rogowski make any statement to 11 anybody about your dad having computer 12 access? 13 A. Well, Deputy Chief Rogowski 14 had no supervision over my father at that 15 time, did he? I thought he was in charge 16 of the specialty division, so why would 17 he be concerned with the computer? 18 Q. So is the answer no? 19 A. The answer is I don't know. I 20 don't recall. 21 Q. Have you ever heard Deputy 22 Chief Rogowski make any statements about 23 your dad participating in meetings as 24 station supervisor?</p>	<p style="text-align: right;">120</p> <p>1 your dad being in the hole? 2 A. In the hallways, yeah, I heard 3 him refer to the office as the hole. 4 Q. When did that happen? 5 A. Around the time when my dad 6 would have been in the hole. 7 Q. Where did it take place? 8 A. Would have been in the hallways 9 upstairs when he was talking to one of 10 those guys coming out of the tact office. 11 Q. Who was he talking to? 12 A. One of those guys. Again, I don't 13 know. It could have been Pesch. It could 14 have been Raul. It could have been Dennis. 15 It could have been Natale. It could have 16 been any one of the guys that got promoted 17 for going against my father -- 18 Q. Do you recall -- 19 A. -- and for voting against Kyll. 20 Q. Do you recall anybody else who was 21 present? 22 A. Not at this time I don't know, no. 23 Q. As best you can recall, what exactly 24 did Deputy Chief Rogowski say?</p>
<p style="text-align: right;">119</p> <p>1 MR. CASPER: Object to 2 form. 3 BY THE WITNESS: 4 A. No, but I just know that those 5 meetings, again, dad was never invited and 6 even when dad was a lieutenant in charge 7 of an entire shift, they purposely scheduled 8 those meetings when they thought he would 9 be out of town. 10 BY MR. FOWLER: 11 Q. Have you ever heard Deputy 12 Chief Rogowski make any statements about 13 your dad being assigned as station 14 supervisor? 15 A. Just in passing again referred 16 to as the hole. Everybody refers to it 17 as the hole because it's like you're doing 18 time there. 19 You're -- you're sitting 20 in a little cubicle with no job capacity 21 whatsoever. That's -- that's like -- 22 that's -- that's torture bordering on. 23 Q. Your testimony is that you've 24 heard Deputy Chief Rogowski talk about</p>	<p style="text-align: right;">121</p> <p>1 A. Just referred to the office as the 2 hole. 3 Q. Anything else? 4 A. Shows that he knows that that office 5 is a punishment. Everybody knows it's a 6 punishment. 7 Q. You've seen the office after your 8 dad moved into it, haven't you? 9 A. Yes. 10 Q. And how large is the office? 11 A. Not very. There's is room for -- 12 if you had to put two desks back-to-back, 13 you'd probably not leave enough room to 14 get around them. 15 Q. There's room for a comfortable 16 leather-ish chair, right? 17 MR. CASPER: Objection to 18 foundation. 19 BY MR. FOWLER: 20 Q. You saw a leather chair in there, 21 right? 22 A. I might have. 23 Q. Television in there? 24 A. There's a television in every</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">122</p> <p>1 office.</p> <p>2 Q. And there was a television in</p> <p>3 there?</p> <p>4 A. I believe there was. I can't</p> <p>5 recall at this time. It wasn't my office</p> <p>6 and God knows if you leave it around the</p> <p>7 station, they watch the cameras so you</p> <p>8 can't go visit anybody. People got whistled</p> <p>9 in for going to visit my dad. Why you</p> <p>10 visiting him? Why you doing this? Just</p> <p>11 like people got whistled in for liking my</p> <p>12 Facebook posts.</p> <p>13 Q. How do you know that people got</p> <p>14 whistled in for meeting with your dad?</p> <p>15 A. They told us.</p> <p>16 Q. Who?</p> <p>17 A. I don't recall particular people,</p> <p>18 but, again, even if I did, and I'm not</p> <p>19 covering for anybody, you put them here</p> <p>20 and they'd deny it because they got to</p> <p>21 look at these three standing there, and</p> <p>22 they're going to say I don't want to end</p> <p>23 up like these guys, I'm just going to</p> <p>24 dummy up.</p>	<p style="text-align: right;">124</p> <p>1 your father's promotion to deputy chief?</p> <p>2 A. Personally, no.</p> <p>3 Q. Have you ever heard Deputy</p> <p>4 Chief Rogowski make any statements about</p> <p>5 residency?</p> <p>6 A. Personally not at this time</p> <p>7 that I can recall, but he was in charge of</p> <p>8 both Pesch and Manzel under his division.</p> <p>9 Q. Have you ever heard Deputy</p> <p>10 Chief Rogowski make any statements about</p> <p>11 Kyll Lavalais?</p> <p>12 A. That I've got to think about.</p> <p>13 Because I know Steve is -- he's shown his</p> <p>14 temper quite a few times in the office</p> <p>15 when the cameras aren't on him.</p> <p>16 And I thought he got into</p> <p>17 a heated exchange one day with Dino about</p> <p>18 Kyll. I can't remember what it was about,</p> <p>19 but, again, just to lay a foundation, I</p> <p>20 remember one time he spiked his phone across</p> <p>21 a desk in his office, spiked his own cell</p> <p>22 phone.</p> <p>23 Q. When did the conversation between</p> <p>24 Dino and Deputy Chief Rogowski take place?</p>
<p style="text-align: right;">123</p> <p>1 Q. Have you ever heard Deputy</p> <p>2 Chief Rogowski make any statements relating</p> <p>3 to the M-80 incident?</p> <p>4 A. No, because he wouldn't interview</p> <p>5 me about it.</p> <p>6 Q. Have you ever heard Deputy</p> <p>7 Chief Rogowski make any statements or --</p> <p>8 regarding the Morales incident?</p> <p>9 A. I know he was at seat ticket</p> <p>10 court one time when I was there and he</p> <p>11 was representing or speaking on the</p> <p>12 behalf of Anastacio Morales, which I've</p> <p>13 never seen that occur.</p> <p>14 Q. Anything else?</p> <p>15 A. Nope.</p> <p>16 Q. What did you hear Deputy</p> <p>17 Chief Rogowski --</p> <p>18 A. I didn't pay attention --</p> <p>19 Q. -- say at that time?</p> <p>20 A. I didn't pay attention. It wasn't</p> <p>21 my case and I didn't really care about what</p> <p>22 he had to say about Anastacio Morales.</p> <p>23 Q. Have you ever heard Deputy</p> <p>24 Chief Rogowski make any statements about</p>	<p style="text-align: right;">125</p> <p>1 A. I couldn't recall. It would</p> <p>2 have -- it would have been around that</p> <p>3 timeframe 2016/'17, right in there</p> <p>4 before anything came towards me.</p> <p>5 Q. Who was present?</p> <p>6 A. Whoever would be in the office</p> <p>7 early, maybe Mark Lockton. I don't know.</p> <p>8 Q. What did Deputy Chief Rogowski</p> <p>9 say about Kyll Lavalais at that time?</p> <p>10 A. Again, I -- I don't remember the</p> <p>11 exact conversation. I know Dino hated Kyll</p> <p>12 and I know that they probably had some</p> <p>13 argument about whether his residency was</p> <p>14 legal or something about the federal decree</p> <p>15 and who knows because in the department,</p> <p>16 it's well-known that Steve may be a smart</p> <p>17 guy but he's also --</p> <p>18 MR. BERSANI: Look, he was</p> <p>19 just asking --</p> <p>20 THE WITNESS: I'm answering</p> <p>21 the question.</p> <p>22 MR. BERSANI: No, you're not.</p> <p>23 THE WITNESS: Okay. You're</p> <p>24 not talking. Mr. Fowler is. I</p>

32 (Pages 122 to 125)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">126</p> <p>1 don't interrupt you. You haven't</p> <p>2 talked yet, but I'll interrupt</p> <p>3 you if you want.</p> <p>4 MR. BERSANI: No. Just answer</p> <p>5 the question.</p> <p>6 THE WITNESS: I am answering the</p> <p>7 question. Let me answer it.</p> <p>8 MR. BERSANI: No, you're not.</p> <p>9 THE WITNESS: Let me talk to</p> <p>10 Fowler, please.</p> <p>11 MR. CASPER: He was.</p> <p>12 THE COURT REPORTER: I can only</p> <p>13 do one at a time.</p> <p>14 MR. BERSANI: You're answering</p> <p>15 in a narrative. I just want him to</p> <p>16 answer the question.</p> <p>17 MR. CASPER: Counsel -- counsel,</p> <p>18 he was answering.</p> <p>19 MR. BERSANI: Do you represent</p> <p>20 him?</p> <p>21 MR. CASPER: No, but I'm --</p> <p>22 MR. BERSANI: Okay. Mr. Cooper?</p> <p>23 MR. CASPER: Excuse me,</p> <p>24 Mr. Bersani.</p>	<p style="text-align: right;">128</p> <p>1 MR. COOPER: He's talking to</p> <p>2 Mr. Casper.</p> <p>3 MR. CASPER: What is your basis</p> <p>4 for saying that I understood it wrong?</p> <p>5 MR. BERSANI: Because he's not --</p> <p>6 MR. CASPER: Are you in my head?</p> <p>7 MR. BERSANI: Because he's</p> <p>8 not -- God, no. He's not answering</p> <p>9 the question.</p> <p>10 THE WITNESS: God, no. What</p> <p>11 is that implying? What is that</p> <p>12 implying?</p> <p>13 MR. CASPER: Excuse me. Yeah.</p> <p>14 Are you implying that there is some</p> <p>15 kind of --</p> <p>16 MR. BERSANI: It's a joke. It's</p> <p>17 a joke, Cass.</p> <p>18 THE WITNESS: Oh, yeah. That</p> <p>19 was a joke, just like Ronnie was</p> <p>20 going to jump across the table at</p> <p>21 him.</p> <p>22 MR. CASPER: John -- John --</p> <p>23 Mr. Scatchell.</p> <p>24 MR. BERSANI: My objection is</p>
<p style="text-align: right;">127</p> <p>1 MR. BERSANI: Yes.</p> <p>2 MR. CASPER: I'm an attorney</p> <p>3 at this deposition. I want to hear</p> <p>4 him finish that answer for the sake</p> <p>5 of --</p> <p>6 MR. BERSANI: No, I want him</p> <p>7 to answer the question that's asked.</p> <p>8 MR. CASPER: Would you let me</p> <p>9 finish?</p> <p>10 MR. BERSANI: He's wasting --</p> <p>11 MR. CASPER: Would you let me</p> <p>12 finish?</p> <p>13 MR. BERSANI: He's wasting</p> <p>14 everybody's time.</p> <p>15 THE WITNESS: How do you deem</p> <p>16 that as a waste?</p> <p>17 MR. CASPER: Stop.</p> <p>18 That was responsive as</p> <p>19 I was understanding it. I agree with</p> <p>20 you --</p> <p>21 MR. BERSANI: You understood</p> <p>22 it's wrong.</p> <p>23 THE WITNESS: Really, you know</p> <p>24 how my mind works?</p>	<p style="text-align: right;">129</p> <p>1 the witness is not answering the</p> <p>2 question directly and he's wasting</p> <p>3 everybody's time here. That's my</p> <p>4 objection. I can't keep him from</p> <p>5 answering, but that's my objection,</p> <p>6 for the record.</p> <p>7 THE WITNESS: Your objection</p> <p>8 is noted.</p> <p>9 MR. COOPER: John, John, John.</p> <p>10 THE WITNESS: Can I please</p> <p>11 have what I said repeated because</p> <p>12 I don't even -- it got so muddled</p> <p>13 in Mr. Bersani's nonsense, I don't</p> <p>14 even know what I said anymore.</p> <p>15 MR. COOPER: John, John.</p> <p>16 Jeff, if you're going</p> <p>17 to continue with the questioning</p> <p>18 and -- are you okay with the</p> <p>19 court reporter reading back his</p> <p>20 response?</p> <p>21 MR. FOWLER: I think it's --</p> <p>22 MR. COOPER: Are you going to</p> <p>23 move on or are you going to stick</p> <p>24 with the question?</p>

33 (Pages 126 to 129)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">130</p> <p>1 MR. FOWLER: I'm going to 2 continue questioning, whether it's 3 that particular one. 4 MR. COOPER: All right. Well, 5 then let's -- John, I would suggest -- 6 all right. Go ahead, please. 7 BY MR. FOWLER: 8 Q. Is there anything else you recall 9 specifically hearing Deputy Chief Castellan 10 say in his conversation with Dino? 11 MR. BERSANI: Rogowski. 12 MR. FOWLER: I'm sorry. 13 You're right. 14 BY MR. FOWLER: 15 Q. So you were telling us about a 16 conversation that you overheard between 17 Deputy Chief Rogowski and Dino, right? 18 A. It was fairly heated I remember. 19 Q. Is there anything else you recall 20 as you sit here today that Deputy Chief 21 Rogowski said about Kyll Lavalais? 22 A. I don't recall specifics of it. 23 I know the conversation had something to 24 do with Kyll.</p>	<p style="text-align: right;">132</p> <p>1 make any statements about Kyll Lavalais's 2 grievance? 3 A. To be clear, I probably haven't 4 been in the presence of Mayor Serpico in 5 the last five years that I can recall 6 right now. So -- 7 Q. Okay. So if I were to -- 8 A. -- my answer would be, no, I 9 don't recall any -- anything hearing 10 from him because I haven't seen him. 11 Q. So if I were to go through that 12 whole series of questions relating to 13 Mayor Serpico, you would say no because 14 you haven't heard him saying anything 15 at all in five years? 16 A. Correct. That's what I tried 17 to do with Rogowski after 2017. 18 Q. Okay. All right. Other than -- 19 I just want us all to be on the same page. 20 You consider your direct supervisors to 21 be sergeants, lieutenants then deputy 22 chief and then director, right? 23 A. If you're going to go by the 24 chain of command, yeah.</p>
<p style="text-align: right;">131</p> <p>1 Q. Have you ever heard Deputy 2 Chief Rogowski make any statements about 3 Kyll Lavalais's grievances? 4 A. Not that I can recall at this 5 time. 6 Q. Have you ever heard Deputy 7 Chief Castellan make any statements about 8 Kyll Lavalais's grievance? 9 A. Not that I can recall at this 10 time. 11 Q. Have you ever heard Director Pitassi 12 make any statements about Kyll Lavalais's 13 grievance? 14 MR. COOPER: Objection, 15 asked and answered. 16 You can still answer. 17 BY THE WITNESS: 18 A. Personally, no, not that I can 19 recall at this time. 20 BY MR. FOWLER: 21 Q. You're familiar with Mayor Serpico, 22 right? 23 A. I am. 24 Q. Have you ever heard Mayor Serpico</p>	<p style="text-align: right;">133</p> <p>1 Q. Is there something other than 2 the chain of command? 3 A. Well, there's senior officers. 4 I mean, especially now there is not a 5 lieutenant or sergeant working every day 6 so -- 7 Q. Okay. So -- 8 A. -- you -- you -- as a subordinate 9 officer, if there is no supervisor, you 10 report to the superior officer -- 11 Q. Correct. 12 A. -- whoever the most senior is. 13 Q. And the superior officers that 14 you're referring to are members of the 15 same FOP that you were? 16 A. I believe so. If they opted in 17 or out, I don't know. 18 Q. And sergeants and lieutenants 19 are the same -- are also members of the 20 same FOP that you were? 21 A. Correct. And that's where it 22 stops. 23 Q. And deputy chiefs are not, 24 right?</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">134</p> <p>1 A. Correct. They're not supposed 2 to have anything to do with it at all. 3 Q. And so is it your understanding 4 that deputy chiefs and above are managers 5 of the department whereas lieutenants 6 below are supervisors to some extent of 7 daily activities? 8 A. You could say that. 9 Q. All right. Other than the 10 deputy -- Deputy Chief Castellan, Deputy 11 Chief Rogowski and Director Pitassi, is 12 there anyone else at the police department 13 who you considered to be a manager? 14 MR. CASPER: Object to form. 15 MR. COOPER: My objection 16 is -- and I think I know where 17 this is going. 18 Objection, calls for 19 a legal conclusion. 20 Therefore, this is an 21 objection as to his competency. 22 He is not an attorney. 23 BY MR. FOWLER: 24 Q. You can answer it.</p>	<p style="text-align: right;">136</p> <p>1 although sergeants and lieutenants could 2 make recommendations about discipline, they 3 couldn't do the discipline itself, is that 4 right? 5 MR. COOPER: Are -- so -- 6 hold on a second. 7 Once again, objection, 8 calls for a legal conclusion. Not 9 to throw around cases, but Vance 10 versus Ball State is in issue as 11 to who's defined as a supervisor. 12 My client just doesn't 13 possess the competency to answer 14 that question. He can tell you 15 what he knows having been a 16 patrolman. 17 BY MR. FOWLER: 18 Q. And that's what I'm asking is 19 based on what you know as a patrolman, do -- 20 lieutenants and sergeants have the authority 21 to recommend discipline, right? 22 A. Well, my direct observation was 23 that my lieutenants at the time issued 24 discipline --</p>
<p style="text-align: right;">135</p> <p>1 A. I'm not clear as to what exactly 2 you're asking here. 3 Q. All right. And that's fair. And 4 that's doing what I asked you to earlier 5 is if you don't understand the question, 6 then give me a chance to rephrase it. 7 Do lieutenants have the 8 authority to discipline officers? 9 MR. COOPER: Objection, calls 10 for a legal conclusion. 11 Again, competency is the 12 issue here. 13 BY MR. FOWLER: 14 Q. Do you know? 15 A. So, I mean, they can make 16 recommendations. When I was on Lieutenant 17 Dimaio's shift, there was two separate 18 schedules and the one was the one that got 19 sent to him or Castellan or whoever and 20 the other one was the double secret schedule 21 where you either got punished or reimbursed 22 based on how they felt a ruling went by the 23 administration. 24 Q. Your understanding is that</p>	<p style="text-align: right;">137</p> <p>1 Q. What dis- -- 2 A. -- Dimaio and Nunzio. 3 Q. What discipline did your 4 lieutenants issue? 5 A. If somebody showed up late for 6 work, they'd make you buy food for the 7 entire shift or if you showed up an hour 8 late, they would take the day away in 9 the book that was presented as pristine 10 and being the actual book and in the 11 other book, they'd reimburse it to you -- 12 Q. Anything else? 13 A. -- or vice versa. 14 Q. Anything else? 15 A. No, but my direct -- 16 MR. COOPER: No, no. 17 THE WITNESS: Go ahead. 18 MR. COOPER: This is really 19 a legal issue. 20 THE WITNESS: Yeah. 21 BY MR. FOWLER: 22 Q. Did lieutenants and sergeants 23 have the authority to suspend somebody? 24 MR. COOPER: Again, objection,</p>

35 (Pages 134 to 137)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">138</p> <p>1 calls for a legal conclusion. This</p> <p>2 witness is not competent to answer</p> <p>3 that question. You can answer what</p> <p>4 you know or what you believe.</p> <p>5 BY THE WITNESS:</p> <p>6 A. To my knowledge. I mean, they</p> <p>7 make recommendations and -- and I've</p> <p>8 physically seen -- or not physically, but</p> <p>9 I've seen the discipline occur. So I can't</p> <p>10 assume what goes on on the other shifts,</p> <p>11 but I could assume it's probably uniform.</p> <p>12 There's some unwritten rule for every</p> <p>13 shift.</p> <p>14 BY MR. FOWLER:</p> <p>15 Q. Have you ever seen a sergeant</p> <p>16 or lieutenant suspend an officer?</p> <p>17 A. I've -- again, off -- off of an</p> <p>18 official document, sure, with the second</p> <p>19 schedule.</p> <p>20 Q. All right. Anything else?</p> <p>21 A. That's it.</p> <p>22 Q. Have you ever heard any manager</p> <p>23 or supervisor at the village make any</p> <p>24 derogatory statements about your father's</p>	<p style="text-align: right;">140</p> <p>1 Q. Have you ever personally heard</p> <p>2 any manager or supervisor make any</p> <p>3 derogatory statements about your father's</p> <p>4 support of Kyll Lavalais?</p> <p>5 MR. COOPER: Just so the</p> <p>6 record --</p> <p>7 MR. CASPER: Objection, asked</p> <p>8 and answered.</p> <p>9 MR. COOPER: Just so the record</p> <p>10 is clear, Jeff, these are all --</p> <p>11 Director Pitassi, by example, is a</p> <p>12 supervisor. So these are other</p> <p>13 people, right?</p> <p>14 MR. FOWLER: Yeah. So -- and</p> <p>15 that's fair.</p> <p>16 BY MR. FOWLER:</p> <p>17 Q. We've already talked about those</p> <p>18 three and -- actually four. We were talking</p> <p>19 about the mayor, so let me ask the question</p> <p>20 differently.</p> <p>21 A. Okay.</p> <p>22 Q. Other than those individuals that</p> <p>23 we've already talked about --</p> <p>24 A. Okay.</p>
<p style="text-align: right;">139</p> <p>1 age?</p> <p>2 A. Who -- I'm sorry. Who am I</p> <p>3 asking -- who's make the statements?</p> <p>4 Q. In your mind anybody who you</p> <p>5 considered to be a manager or supervisor.</p> <p>6 A. Just what rumors are being thrown</p> <p>7 around that --</p> <p>8 Q. So let me ask the question</p> <p>9 differently.</p> <p>10 A. Okay.</p> <p>11 Q. Have you ever personally heard</p> <p>12 any manager or supervisor at the village</p> <p>13 make any derogatory statements about your</p> <p>14 father's age?</p> <p>15 A. There has been again three or</p> <p>16 four years of stuff. There has been</p> <p>17 comments made. I can't recall them at</p> <p>18 this time.</p> <p>19 Q. Have you ever personally heard</p> <p>20 any manager or supervisor at the village</p> <p>21 make any derogatory statements about your</p> <p>22 father filing an EEOC charge?</p> <p>23 A. Not that I can recall at this</p> <p>24 time.</p>	<p style="text-align: right;">141</p> <p>1 Q. -- have you ever personally heard</p> <p>2 any manager or supervisor at the village</p> <p>3 make any derogatory statements about your</p> <p>4 father's support of Kyll Lavalais?</p> <p>5 A. Absolutely.</p> <p>6 Q. Who?</p> <p>7 A. I can't recall at this time who</p> <p>8 would have said it, but it was definitely</p> <p>9 word amongst the supervisors. Dino was</p> <p>10 not pleased at all. He even said so in the</p> <p>11 meeting.</p> <p>12 Q. What I'm asking is what you heard?</p> <p>13 A. I heard Dino argue in the meeting</p> <p>14 with Kyll about his arbitration, something</p> <p>15 that has nothing to do with Dino.</p> <p>16 Q. Was that -- so what I'm asking is --</p> <p>17 A. That was at an FOP meeting.</p> <p>18 Q. -- what did Dino say about your</p> <p>19 father in that meeting?</p> <p>20 A. He didn't say anything in the</p> <p>21 meeting about my father. After the meeting,</p> <p>22 he might have.</p> <p>23 Q. So have you ever personally -- and</p> <p>24 when we say Dino --</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">142</p> <p>1 A. Dimaio.</p> <p>2 Q. Have you ever heard Dino Dimaio</p> <p>3 make any derogatory statements about your</p> <p>4 father's support of Kyll Lavalais?</p> <p>5 A. Yes.</p> <p>6 Q. When was that?</p> <p>7 A. Just in passing in the parking</p> <p>8 lot, on the street, he would make a</p> <p>9 comment whenever he could because that's</p> <p>10 Dino.</p> <p>11 Q. How many times have you heard</p> <p>12 Dino Dimaio make negative comments about</p> <p>13 your father's support of Kyll Lavalais?</p> <p>14 A. I don't think I've heard something</p> <p>15 positive come out of Dino's mouth about my</p> <p>16 father.</p> <p>17 Q. So the question is how many times</p> <p>18 have you heard --</p> <p>19 A. I couldn't put a ballpark on it.</p> <p>20 Q. The times that you've heard it,</p> <p>21 you said it was in passing.</p> <p>22 Anybody else present?</p> <p>23 A. I'm sure there was. Anybody that</p> <p>24 would have been in the back lot where there</p>	<p style="text-align: right;">144</p> <p>1 presence.</p> <p>2 Q. Did you ever hear Dino Dimaio</p> <p>3 make one of those kind of comments to</p> <p>4 Deputy Chief Castellan?</p> <p>5 A. No, but he was explaining the</p> <p>6 conversation as if he was having that</p> <p>7 conversation with one of the two of them</p> <p>8 and you can extrapolate it either occurred</p> <p>9 in one of the two offices or at breakfast</p> <p>10 at Cafe 23 where they go every day.</p> <p>11 Q. And did you ever hear Dino Dimaio</p> <p>12 make one of those statements that was negative</p> <p>13 toward your father's support of Kyll Lavalais</p> <p>14 to Deputy Chief Rogowski?</p> <p>15 MR. CASPER: Object as to</p> <p>16 form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. Not that I could recall at this</p> <p>19 time. I don't think Dino and Rogowski</p> <p>20 really like each other.</p> <p>21 BY MR. FOWLER:</p> <p>22 Q. You're aware that the police</p> <p>23 department had SOPs concerning the use</p> <p>24 or abuse of sick time?</p>
<p style="text-align: right;">143</p> <p>1 is back lot meetings every day.</p> <p>2 Q. Okay. Do you recall any of</p> <p>3 those specifically as you sit here today?</p> <p>4 A. Specifics, no, I do not recall</p> <p>5 at this time.</p> <p>6 Q. As you sit here today, what</p> <p>7 specifically do you recall Dino Dimaio</p> <p>8 saying that was negative towards your</p> <p>9 father's support of Kyll Lavalais?</p> <p>10 A. Who does he think he is, this</p> <p>11 is why you guys can't promote him to</p> <p>12 deputy chief, he's not going to do anything</p> <p>13 you guys want him to do, that's why you</p> <p>14 guys need to put me deputy chief.</p> <p>15 Q. Who was he talking to?</p> <p>16 A. He was talking to one of his</p> <p>17 underlings and they're talking in the</p> <p>18 context of he's having a conversation</p> <p>19 with I would assume one of Rogowski --</p> <p>20 or not Rogowski, Castellan and Pitassi.</p> <p>21 Q. During those conversations,</p> <p>22 did you ever hear Dino Dimaio make those</p> <p>23 kind of statements to Director Pitassi?</p> <p>24 A. No, they would never talk in my</p>	<p style="text-align: right;">145</p> <p>1 MR. COOPER: You're okay.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I am.</p> <p>4 BY MR. FOWLER:</p> <p>5 Q. And you were aware that the</p> <p>6 department had an SOP requiring contact</p> <p>7 with law enforcement?</p> <p>8 A. Fifth Amendment.</p> <p>9 Q. You're aware that -- so when</p> <p>10 you say Fifth --</p> <p>11 A. Fifth Amendment.</p> <p>12 Q. -- you're saying --</p> <p>13 A. I'm invoking my Fifth Amendment</p> <p>14 right.</p> <p>15 Q. You're aware that the department</p> <p>16 had a rule requiring officers to be truthful</p> <p>17 during investigations?</p> <p>18 A. Fifth Amendment.</p> <p>19 Q. We talked about the interrogation</p> <p>20 earlier and you recall that you received a</p> <p>21 Garrity warning during that interrogation?</p> <p>22 A. Fifth Amendment.</p> <p>23 MR. CASPER: Object to</p> <p>24 asked and answered to that</p>

37 (Pages 142 to 145)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">146</p> <p>1 question.</p> <p>2 BY MR. FOWLER:</p> <p>3 Q. And then we talked earlier about</p> <p>4 you being present for the hearing before</p> <p>5 the board on charges against you, right?</p> <p>6 MR. CASPER: Object to</p> <p>7 asked and answered.</p> <p>8 BY MR. FOWLER:</p> <p>9 Q. You recall that?</p> <p>10 A. Yes.</p> <p>11 Q. And including on October 22,</p> <p>12 2018, when you were called as a witness,</p> <p>13 do you recall that?</p> <p>14 A. Fifth Amendment.</p> <p>15 Q. During the October 22, 2018,</p> <p>16 hearing, you were reminded that you had</p> <p>17 been given the Garrity notice, correct?</p> <p>18 A. Fifth Amendment.</p> <p>19 (Document marked as Scatchell</p> <p>20 Junior Exhibit No. 40 for</p> <p>21 identification, 08/05/2020.)</p> <p>22 BY MR. FOWLER:</p> <p>23 Q. Taking a look at Scatchell Junior</p> <p>24 Deposition Exhibit 40 --</p>	<p style="text-align: right;">148</p> <p>1 that now to be clear.</p> <p>2 Q. When Deputy Chief Castellan</p> <p>3 ordered you to take the stand, at that</p> <p>4 point in time you had been sitting at</p> <p>5 a table, you know, 15 feet or so back</p> <p>6 away from where the "stand" was, is that</p> <p>7 true?</p> <p>8 A. Fifth Amendment.</p> <p>9 Q. When Deputy Chief Castellan</p> <p>10 ordered you to take the stand, you did</p> <p>11 not rise up out of your seat, did you?</p> <p>12 A. Fifth Amendment.</p> <p>13 Q. When Deputy Chief Castellan</p> <p>14 ordered you to take the stand, you did</p> <p>15 not walk toward the front of the room</p> <p>16 where the commissioners were, did you?</p> <p>17 A. Fifth Amendment.</p> <p>18 Q. When Deputy Chief Castellan</p> <p>19 ordered you to take the stand, you did</p> <p>20 not take the stand, did you?</p> <p>21 A. Fifth Amendment.</p> <p>22 Q. You were aware when you were</p> <p>23 employed by the village that the police</p> <p>24 department had very generous sick leave</p>
<p style="text-align: right;">147</p> <p>1 MR. CASPER: Counsel, is this</p> <p>2 Bates 2368?</p> <p>3 MR. FOWLER: Yes, sir.</p> <p>4 (Document tendered</p> <p>5 to the witness.)</p> <p>6 BY MR. FOWLER:</p> <p>7 Q. Do you see Exhibit 40?</p> <p>8 A. Fifth Amendment.</p> <p>9 Q. Is the signature on the line that</p> <p>10 says John Scatchell, Jr. yours?</p> <p>11 A. Fifth Amendment.</p> <p>12 Q. During the hearing on October</p> <p>13 22nd, you recall that Deputy Chief Castellan</p> <p>14 was present?</p> <p>15 A. Fifth Amendment.</p> <p>16 Q. And during that hearing, you heard</p> <p>17 Deputy Chief Castellan say to you I order</p> <p>18 you to take the stand and answer all questions</p> <p>19 truthfully and honestly?</p> <p>20 A. Fifth Amendment.</p> <p>21 Q. And when he said that, you</p> <p>22 responded "at this time I assert my Fifth</p> <p>23 Amendment right"?</p> <p>24 A. Fifth Amendment. I'm asserting</p>	<p style="text-align: right;">149</p> <p>1 benefits, isn't that true?</p> <p>2 MR. CASPER: Object to</p> <p>3 form.</p> <p>4 MR. COOPER: Object to</p> <p>5 form, the adjective generous.</p> <p>6 Can you rephrase the</p> <p>7 question?</p> <p>8 BY MR. FOWLER:</p> <p>9 Q. Do you understand the question?</p> <p>10 A. I don't agree with the use of the</p> <p>11 word generous.</p> <p>12 Q. Okay. You were aware that the</p> <p>13 police department provided six months of</p> <p>14 full pay for an off-duty injury?</p> <p>15 A. I don't believe that to be true.</p> <p>16 I thought it was three months and then</p> <p>17 approved at the discretion of the director</p> <p>18 is what I thought it was, but I'm not</p> <p>19 positive on that.</p> <p>20 (Document marked as Scatchell</p> <p>21 Junior Exhibit No. 36 for</p> <p>22 identification, 08/05/2020.)</p> <p>23 BY MR. FOWLER:</p> <p>24 Q. And -- all right. So let's -- in</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">150</p> <p>1 the book in front of you, look at Scatchell</p> <p>2 Junior Exhibit 36.</p> <p>3 And just to be clear,</p> <p>4 Exhibit 36 is the agreement between the</p> <p>5 FOP Lodge 19 and the village, right?</p> <p>6 (Document tendered</p> <p>7 to the witness.)</p> <p>8 BY THE WITNESS:</p> <p>9 A. You'd have to be more specific</p> <p>10 as to which agreement you're referring to.</p> <p>11 BY MR. FOWLER:</p> <p>12 Q. This agreement was the one that</p> <p>13 went into effect in 2018, right?</p> <p>14 A. There is no dates on the last page.</p> <p>15 I'm looking at Page 11 to be clear, but I</p> <p>16 believe this could be the contract. I'm not</p> <p>17 positive.</p> <p>18 Q. Okay.</p> <p>19 MR. CASPER: We'll agree that</p> <p>20 that is the contract if that helps</p> <p>21 you at all.</p> <p>22 BY MR. FOWLER:</p> <p>23 Q. And you were aware that the contract</p> <p>24 that replaced the one from 2014 to 2017 reduced</p>	<p style="text-align: right;">152</p> <p>1 signature?</p> <p>2 A. Fifth Amendment.</p> <p>3 (Document marked as Scatchell</p> <p>4 Junior Exhibit No. 3 for</p> <p>5 identification, 08/05/2020.)</p> <p>6 BY MR. FOWLER:</p> <p>7 Q. Taking a look at Exhibit 3, is</p> <p>8 that a note from your doctors that you</p> <p>9 submitted to the police department?</p> <p>10 (Document tendered</p> <p>11 to the witness.)</p> <p>12 BY THE WITNESS:</p> <p>13 A. Fifth Amendment.</p> <p>14 BY MR. FOWLER:</p> <p>15 Q. You were released to work with</p> <p>16 no restrictions in April 2015, is that</p> <p>17 right?</p> <p>18 A. Fifth Amendment.</p> <p>19 MR. CASPER: Wait -- wait.</p> <p>20 I'm sorry. I do want to address</p> <p>21 something with the witness right</p> <p>22 now.</p> <p>23 For the record,</p> <p>24 Ms. Scatchell and myself do not</p>
<p style="text-align: right;">151</p> <p>1 sick leave benefits?</p> <p>2 A. Fifth Amendment.</p> <p>3 Q. You had an injury in February of</p> <p>4 2015, is that right?</p> <p>5 A. Fifth Amendment.</p> <p>6 Q. That injury was to your upper back</p> <p>7 and lower neck?</p> <p>8 A. Fifth Amendment.</p> <p>9 (Document marked as Scatchell</p> <p>10 Junior Exhibit No. 1 for</p> <p>11 identification, 08/05/2020.)</p> <p>12 BY MR. FOWLER:</p> <p>13 Q. And the book in front of you, if</p> <p>14 you would, take a look at Exhibit 1, Scatchell</p> <p>15 Junior Exhibit 1.</p> <p>16 (Document tendered</p> <p>17 to the witness.)</p> <p>18 BY THE WITNESS:</p> <p>19 A. (Witness complied.)</p> <p>20 BY MR. FOWLER:</p> <p>21 Q. Do you see Exhibit 1?</p> <p>22 A. Fifth Amendment.</p> <p>23 Q. The signature that's on the</p> <p>24 line respectfully submitted, is that your</p>	<p style="text-align: right;">153</p> <p>1 represent John Scatchell, Jr. at</p> <p>2 this deposition. I have not talked</p> <p>3 to him at this deposition. I never</p> <p>4 prepared him for the deposition.</p> <p>5 Counsel for Mr. Scatchell,</p> <p>6 can you instruct your witness why</p> <p>7 he's taking the Fifth Amendment</p> <p>8 as to some of these like the medical</p> <p>9 documentation?</p> <p>10 I just want to avoid a</p> <p>11 further issue and I don't understand</p> <p>12 this myself, like Exhibit 3.</p> <p>13 MR. COOPER: He doesn't have</p> <p>14 Garrity protection.</p> <p>15 THE COURT REPORTER: I'm sorry?</p> <p>16 MR. COOPER: Garrity, G-A-R-R-I-T-Y.</p> <p>17 THE COURT REPORTER: I just</p> <p>18 couldn't hear you. I'm sorry.</p> <p>19 MR. COOPER: He doesn't have</p> <p>20 Garrity protection.</p> <p>21 MR. CASPER: As to exhibit --</p> <p>22 what was the last question that was</p> <p>23 asked?</p> <p>24 MR. COOPER: He doesn't -- all</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">154</p> <p>1 right. So the starting point is</p> <p>2 there were questions asked of him</p> <p>3 in an interrogation a couple years</p> <p>4 ago maybe. I don't recall the</p> <p>5 exact date.</p> <p>6 At that time he had</p> <p>7 Garrity protection. He no longer</p> <p>8 has Garrity protection. So it</p> <p>9 seems prudent that he exercise his</p> <p>10 Fifth Amendment right to remain</p> <p>11 silent when necessary.</p> <p>12 MR. CASPER: Mr. Fowler, may</p> <p>13 I make a suggestion?</p> <p>14 The questions about,</p> <p>15 for example, Exhibit 3 in your</p> <p>16 binder, is this a question about</p> <p>17 that exhibit as it pertains to</p> <p>18 Mr. Scatchell's response in the</p> <p>19 interrogation or is this separate</p> <p>20 from that entirely?</p> <p>21 I'm trying to understand</p> <p>22 this Fifth Amendment invocation on</p> <p>23 these exhibits because I don't know</p> <p>24 myself.</p>	<p style="text-align: right;">156</p> <p>1 A. Fifth Amendment.</p> <p>2 MR. COOPER: If I may, just --</p> <p>3 just to -- just so that the record</p> <p>4 is clear to Mr. Casper, to Mr. Casper,</p> <p>5 if -- if, in fact, there was not a</p> <p>6 Fifth Amendment basis.</p> <p>7 What I would do is seek</p> <p>8 court intervention for a limiting</p> <p>9 instruction as to the questions</p> <p>10 that could be asked because this --</p> <p>11 this deposition -- or I should say</p> <p>12 this case concerns John Scatchell,</p> <p>13 Sr. and asking questions about</p> <p>14 John Scatchell, Jr.'s medical or</p> <p>15 alleged medical issues just seems</p> <p>16 as a roundabout way to prevail in</p> <p>17 the pending administrative matter</p> <p>18 before Judge Meyerson in which</p> <p>19 John Scatchell, Jr. is challenging</p> <p>20 the board's decision to terminate.</p> <p>21 MR. CASPER: Okay. I don't --</p> <p>22 I don't see any of that as relevant</p> <p>23 and, frankly, from my perspective,</p> <p>24 this is why we have separate counsel.</p>
<p style="text-align: right;">155</p> <p>1 MR. COOPER: I'm not trying</p> <p>2 to cut you off, Jeff, if you want</p> <p>3 to answer, but for me, it doesn't</p> <p>4 matter, you know, and if there were</p> <p>5 not a Fifth Amendment objection, I</p> <p>6 would make a relevance objection,</p> <p>7 but we all know that a relevance</p> <p>8 objection in a deposition doesn't</p> <p>9 get us very far.</p> <p>10 My client has a legitimate</p> <p>11 basis to exercise his right to remain</p> <p>12 silent.</p> <p>13 BY MR. FOWLER:</p> <p>14 Q. Dr. Sandoval was your personal</p> <p>15 doctor?</p> <p>16 A. Fifth Amendment.</p> <p>17 Q. Nurse Practitioner Paulette</p> <p>18 Feiereisel -- I'm having trouble with</p> <p>19 that, I apologize -- do you know how to</p> <p>20 pronounce it?</p> <p>21 A. Fifth Amendment.</p> <p>22 Q. Just so we're clear, it's</p> <p>23 F-E-I-E-R-E-I-S-E-L, you're familiar with</p> <p>24 her?</p>	<p style="text-align: right;">157</p> <p>1 Mr. Scatchell, Sr. would</p> <p>2 like the testimony about, for</p> <p>3 example, these medical records</p> <p>4 that -- like, Scatchell Exhibit 3,</p> <p>5 we -- we would like this too.</p> <p>6 I don't understand the</p> <p>7 Fifth Amendment invocation at this</p> <p>8 point as to that either. I don't</p> <p>9 understand that -- I do understand</p> <p>10 it as to any questions about some</p> <p>11 of the other stuff, but not as to</p> <p>12 this.</p> <p>13 MR. COOPER: All right. Let me</p> <p>14 talk to my client.</p> <p>15 (Whereupon, after a short</p> <p>16 break was had, the following</p> <p>17 proceedings were held</p> <p>18 accordingly.)</p> <p>19 MR. FOWLER: All right. We</p> <p>20 are back on.</p> <p>21 BY MR. FOWLER:</p> <p>22 Q. Since April 24th, 2015, you never</p> <p>23 reported any work-related injury to your</p> <p>24 supervisors, did you?</p>

40 (Pages 154 to 157)

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John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">158</p> <p>1 A. Fifth Amendment.</p> <p>2 Q. The next time you reported anything</p> <p>3 was in October -- late October/early November</p> <p>4 2017, right?</p> <p>5 A. Fifth Amendment.</p> <p>6 Q. Now, as of November 9th, 2017,</p> <p>7 up to that point, have you ever been</p> <p>8 disciplined by anyone at the department?</p> <p>9 MR. COOPER: You could answer</p> <p>10 that.</p> <p>11 MR. BERSANI: Could you read</p> <p>12 back the question, please?</p> <p>13 (Whereupon, the requested</p> <p>14 portion of the record was</p> <p>15 read accordingly.)</p> <p>16 BY THE WITNESS:</p> <p>17 A. No.</p> <p>18 BY MR. FOWLER:</p> <p>19 Q. Have you ever been reprimanded by</p> <p>20 anyone at the department up until November</p> <p>21 9th of 2017?</p> <p>22 MR. COOPER: Objection as to</p> <p>23 form. The word reprimand seems</p> <p>24 very broad.</p>	<p style="text-align: right;">160</p> <p>1 BY MR. FOWLER:</p> <p>2 Q. Do you understand what I'm asking?</p> <p>3 A. Rephrase it, please.</p> <p>4 Q. All right. Up until November 9th</p> <p>5 of 2017, did any manager or supervisor do</p> <p>6 anything to you that you didn't like?</p> <p>7 A. Pitassi when he promised me to</p> <p>8 my face I don't know how many times that I</p> <p>9 was going to traffic because I was a good</p> <p>10 productive police officer and nobody could</p> <p>11 say otherwise.</p> <p>12 Q. Anything else?</p> <p>13 A. Not that I could recall at this</p> <p>14 time.</p> <p>15 Q. When did Director Pitassi first</p> <p>16 say to you that you could go to traffic?</p> <p>17 A. That's probably been ongoing since</p> <p>18 the second year I was on the job.</p> <p>19 Q. So around 2013?</p> <p>20 A. Empty promises -- well, I wouldn't</p> <p>21 qualify '13 because up until whatever point</p> <p>22 I was on probation, let's just call it '14</p> <p>23 because no -- in my opinion no officer with</p> <p>24 that little experience would deserve a</p>
<p style="text-align: right;">159</p> <p>1 MR. CASPER: Join.</p> <p>2 BY MR. FOWLER:</p> <p>3 Q. You can answer.</p> <p>4 A. Is there a -- somewhere I don't</p> <p>5 know about where reprimands are documented</p> <p>6 because I don't recall any.</p> <p>7 Q. So you don't recall any reprimands?</p> <p>8 A. Not off the top of my head at this</p> <p>9 time.</p> <p>10 Q. Up until November 9th of 2017, had</p> <p>11 you suffered any kind of adverse action of</p> <p>12 any kind from a supervisor or manager at the</p> <p>13 village?</p> <p>14 MR. CASPER: Objection to</p> <p>15 form.</p> <p>16 MR. COOPER: Objection to</p> <p>17 calls for a legal conclusion,</p> <p>18 the phrase adverse action.</p> <p>19 This witness is not</p> <p>20 competent to answer the question</p> <p>21 as posed.</p> <p>22 Answer if you can</p> <p>23 understand it.</p> <p>24</p>	<p style="text-align: right;">161</p> <p>1 promotion, but once you get past your</p> <p>2 probationary period and you know what</p> <p>3 you're doing, then I think it's appropriate,</p> <p>4 so that's where I'd ballpark it.</p> <p>5 Q. On that issue, is there any</p> <p>6 difference in 2016?</p> <p>7 A. Meaning?</p> <p>8 Q. I don't know. You're saying</p> <p>9 that you didn't get it -- you didn't get</p> <p>10 put -- you wanted to be put in traffic,</p> <p>11 right?</p> <p>12 A. At one point I did, yeah.</p> <p>13 Q. Did you still want it in 2015?</p> <p>14 A. I believe I did. I had put in</p> <p>15 for it all the way until the time that I</p> <p>16 ended up on Lieutenant Dimaio's shift I</p> <p>17 believe.</p> <p>18 Q. When was that?</p> <p>19 A. That would have been after I</p> <p>20 left Rogowski's shift so going '16 into</p> <p>21 '17 I believe is when that occurred.</p> <p>22 Q. And that's when you stopped</p> <p>23 putting in for being assigned to traffic?</p> <p>24 A. Well, I -- I didn't think that</p>

41 (Pages 158 to 161)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">162</p> <p>1 if I put in for it anybody would listen</p> <p>2 anymore after you guys did whatever you</p> <p>3 did. So I just stopped putting in for</p> <p>4 it because nobody -- nobody ever listened</p> <p>5 to begin with so...</p> <p>6 Q. Now --</p> <p>7 A. Although Sam promised me numerous</p> <p>8 occasions.</p> <p>9 Q. -- going back to the interrogation</p> <p>10 on January 9th of 2018 or thereabouts, you</p> <p>11 answered questions about your activities</p> <p>12 while you were on sick leave, right?</p> <p>13 MR. COOPER: You can answer</p> <p>14 that.</p> <p>15 MR. CASPER: Objection, asked</p> <p>16 and answered.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I believe I did.</p> <p>19 BY MR. FOWLER:</p> <p>20 Q. And you said that you were so</p> <p>21 inactive as a result of the injury that</p> <p>22 you gained 50 pounds, is that true?</p> <p>23 A. Fifth Amendment.</p> <p>24</p>	<p style="text-align: right;">164</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 (Confidential testimony</p> <p>10 bound under separate</p> <p>11 cover.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">163</p> <p>1 (Document marked as Scatchell</p> <p>2 Junior Exhibit No. 4 for</p> <p>3 identification, 08/05/2020.)</p> <p>4 BY MR. FOWLER:</p> <p>5 Q. As of -- I'll tell you what, let's</p> <p>6 make it easy.</p> <p>7 Go to Scatchell Junior</p> <p>8 Exhibit 4 in the book.</p> <p>9 (Document tendered</p> <p>10 to the witness.)</p> <p>11 BY THE WITNESS:</p> <p>12 A. (Witness complied.)</p> <p>13 BY MR. FOWLER:</p> <p>14 Q. Are you there?</p> <p>15 A. I'm here.</p> <p>16 Q. Did you see your doctor on or about</p> <p>17 August 25th, 2016?</p> <p>18 A. Fifth Amendment.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">165</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 (Confidential testimony</p> <p>10 bound under separate</p> <p>11 cover.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

42 (Pages 162 to 165)

John Scatchell, Jr.

August 5, 2020

<p>166</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>(Confidential testimony bound under separate cover.)</p>	<p>168</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>(Confidential testimony bound under separate cover.)</p>
<p>167</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>(Confidential testimony bound under separate cover.)</p>	<p>169</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>(Confidential testimony bound under separate cover.)</p>

43 (Pages 166 to 169)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">170</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 (Confidential testimony bound under separate cover.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">172</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 (Confidential testimony bound under separate cover.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">171</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 (Confidential testimony bound under separate cover.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">173</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 (Confidential testimony bound under separate cover.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

44 (Pages 170 to 173)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">174</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>(Confidential testimony bound under separate cover.)</p>	<p style="text-align: right;">176</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>(Confidential testimony bound under separate cover.)</p>
<p style="text-align: right;">175</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>(Confidential testimony bound under separate cover.)</p>	<p style="text-align: right;">177</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>(Confidential testimony bound under separate cover.)</p>

45 (Pages 174 to 177)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">178</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 (Confidential testimony bound under separate cover.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">180</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 (Confidential testimony bound under separate cover.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">179</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 (Confidential testimony bound under separate cover.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">181</p> <p>1 (Confidential testimony bound under separate cover.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 MR. FOWLER: Thank you. I'm glad you caught that, Cass. I forgot.</p> <p>10 BY MR. FOWLER:</p> <p>11 Q. Taking a look at the page that's</p> <p>12 second from the end on the lower right,</p> <p>13 it's marked DSC00312.</p> <p>14 Do you see that page?</p> <p>15 A. Fifth Amendment.</p> <p>16 Q. That's a photograph of you, isn't</p> <p>17 it?</p> <p>18 A. Fifth Amendment.</p> <p>19 Q. You're carrying several different</p> <p>20 geese in that photo, correct?</p> <p>21 A. Fifth Amendment.</p> <p>22 Q. A goose generally weighs on average</p> <p>23</p> <p>24</p>

46 (Pages 178 to 181)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">182</p> <p>1 about ten pounds?</p> <p>2 MR. CASPER: Objection.</p> <p>3 BY MR. FOWLER:</p> <p>4 Q. So what does a goose weigh?</p> <p>5 MR. COOPER: Fifth Amendment.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Fifth Amendment.</p> <p>8 BY MR. FOWLER:</p> <p>9 Q. During the period of time in</p> <p>10 November of -- between November 9th and</p> <p>11 December 2nd of 2017 -- well, strike that.</p> <p>12 Let me start over.</p> <p>13 Prior to November 9,</p> <p>14 2017, were you familiar with Tony Scavo?</p> <p>15 A. Who?</p> <p>16 Q. Sorry. That -- all right. Let</p> <p>17 me try that one again.</p> <p>18 Prior to November 9, 2017,</p> <p>19 were you familiar -- and if you guys tell</p> <p>20 Tony I said that, I'm going to growl at you.</p> <p>21 Prior to November 9, 2017,</p> <p>22 were you familiar with Tony Kyra?</p> <p>23 A. Yes.</p> <p>24 Q. You knew him?</p>	<p style="text-align: right;">184</p> <p>1 A. Fifth Amendment.</p> <p>2 Q. And while you were in Portland</p> <p>3 in December of 2017, did you go hunting</p> <p>4 with your grandfather?</p> <p>5 A. Fifth Amendment.</p> <p>6 Q. Taking a look in the binder at</p> <p>7 Exhibit 29, so starting with the first page,</p> <p>8 the portion -- you recognize this as text</p> <p>9 messages that you sent or received in May</p> <p>10 and June of 2017?</p> <p>11 A. Fifth Amendment.</p> <p>12 Q. Taking a look at the second page,</p> <p>13 do you recognize that as a check that was</p> <p>14 written as a deposit for a hunting trip for</p> <p>15 you and Mr. Scavo?</p> <p>16 A. Fifth Amendment.</p> <p>17 (Document marked as Scatchell</p> <p>18 Junior Exhibit No. 30 for</p> <p>19 identification, 08/05/2020.)</p> <p>20 BY MR. FOWLER:</p> <p>21 Q. Taking a look at Exhibit 30, do</p> <p>22 you recognize that as a check that was</p> <p>23 written for the hunting trip for you and</p> <p>24 Mr. Scavo in 2017?</p>
<p style="text-align: right;">183</p> <p>1 A. Knew of him.</p> <p>2 Q. Had you met him?</p> <p>3 A. At the station. He worked at the</p> <p>4 same station I did.</p> <p>5 Q. You knew what he looked like?</p> <p>6 A. Vaguely.</p> <p>7 Q. During the period in late November</p> <p>8 of 2017, were you aware that he was doing</p> <p>9 surveillance on you?</p> <p>10 A. Fifth Amendment.</p> <p>11 MR. CASPER: I'm sorry.</p> <p>12 Mr. Scatchell, do you need to</p> <p>13 take a break because I'm just</p> <p>14 sitting here and it seems like</p> <p>15 you and I need to take a break</p> <p>16 right now?</p> <p>17 THE WITNESS: I'm good.</p> <p>18 BY MR. FOWLER:</p> <p>19 Q. During the period in the fall of</p> <p>20 2017, did you see Tony Kyra outside of the</p> <p>21 police department?</p> <p>22 A. Fifth Amendment.</p> <p>23 Q. In December of 2017, did you do</p> <p>24 a trip to Portland with your grandfather?</p>	<p style="text-align: right;">185</p> <p>1 A. Fifth Amendment.</p> <p>2 Q. During the interrogation on</p> <p>3 January 9th, 2018, you were asked questions</p> <p>4 about recoil of shotguns, isn't that true?</p> <p>5 A. Fifth Amendment.</p> <p>6 Q. And after that interrogation, you</p> <p>7 created videos of yourself shooting shotguns,</p> <p>8 didn't you?</p> <p>9 A. Fifth Amendment.</p> <p>10 Q. Were those videos produced to</p> <p>11 your dad's attorneys here -- strike</p> <p>12 that.</p> <p>13 Now, one of the attorneys</p> <p>14 in the -- let me state that differently.</p> <p>15 One of attorneys in the</p> <p>16 board proceedings was Gianna Scatchell,</p> <p>17 true?</p> <p>18 MR. COOPER: Jeff, if he</p> <p>19 knows the answer, I don't recall.</p> <p>20 She's not here. She can't say</p> <p>21 whether or not she filed an</p> <p>22 appearance.</p> <p>23 Do you know the answer?</p> <p>24 THE WITNESS: I don't know.</p>

47 (Pages 182 to 185)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">186</p> <p>1 MR. FOWLER: She -- she stepped 2 up and answered on dates that you 3 weren't there identifying herself 4 as counsel for him. 5 Specifically, I think 6 that was April 22nd. 7 MR. COOPER: If you know the 8 answer. 9 BY THE WITNESS: 10 A. I'm not aware of the answer. 11 BY MR. FOWLER: 12 Q. Gianna Scatchell was aware that 13 you did videos of shooting shotguns, wasn't 14 she? 15 A. Fifth Amendment. 16 MR. CASPER: I'm going to 17 object to the form and foundation. 18 Gianna Scatchell was aware? 19 BY MR. FOWLER: 20 Q. You knew that Gianna Scatchell was 21 aware you did the videos? 22 MR. CASPER: Same objection. 23 BY THE WITNESS: 24 A. Fifth Amendment.</p>	<p style="text-align: right;">188</p> <p>1 that any such videos, if they do 2 exist, be produced right now? I 3 will talk to co-counsel about it. 4 MR. FOWLER: I mean, whether 5 it's right now, not during the 6 course of the deposition. 7 MR. COOPER: I will have that 8 conversation. 9 MR. FOWLER: Thank you. 10 THE WITNESS: If you want, we 11 can take a break. It's up to you 12 guys. 13 MR. FOWLER: If you want to -- 14 THE WITNESS: I've got to go 15 to the bathroom. So... 16 MR. FOWLER: That's fine. That's 17 fine. 18 MR. CASPER: All right. It's 19 4:01. 20 (Whereupon, after a short 21 break was had, the following 22 proceedings were held 23 accordingly.) 24 MR. CASPER: Back on the record.</p>
<p style="text-align: right;">187</p> <p>1 MR. COOPER: So you're asking 2 if... 3 MR. FOWLER: Chris -- Chris -- 4 hang on. The short of it is that 5 those videos have never been 6 produced in this case. 7 And my point is counsel 8 had it, so I'm -- I'm not going 9 anywhere else with it. 10 MR. COOPER: All right. 11 MR. FOWLER: Don't sweat it. 12 MR. COOPER: All right. 13 MR. CASPER: I will -- I will 14 say for the record, I am not aware 15 of those videos personally. I can 16 look into that if you want to make 17 an issue of it. You've also never 18 brought it to my attention. So... 19 MR. FOWLER: Certainly you should 20 have a conversation if it's -- if he is 21 relevant to this case, the videos are 22 relevant to this case and so they 23 should be produced. 24 MR. CASPER: Are you requesting</p>	<p style="text-align: right;">189</p> <p>1 I just talked to my co-counsel, Jeff, 2 about the videotapes that you were 3 asking about and my understanding 4 is those tapes were produced to 5 you in the context of the police 6 board case. 7 MR. FOWLER: They were produced 8 in the police board case, I agree 9 with that. They haven't been produced 10 in this case and they certainly haven't 11 been produced to the other parties. 12 MR. CASPER: All right. I was 13 not aware of these tapes and that 14 they had not been produced. 15 I will produce them in 16 this case, but I want to emphasize 17 this was an inadvertency on our 18 part -- 19 MR. FOWLER: I'm not suggesting 20 anything else. 21 MR. CASPER: -- and we'll produce 22 them in this case. 23 MR. FOWLER: I'm not suggesting 24 anything else.</p>

48 (Pages 186 to 189)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">190</p> <p>1 MR. BERSANI: For the record, 2 that's the first time I ever heard 3 that these tapes even exist. I 4 never heard of that previously. 5 MR. CASPER: That candidly 6 is the first time I ever heard 7 of the existence. So... 8 MR. FOWLER: And just so 9 we're -- there was a question 10 about whether Ms. Scatchell was 11 counsel in the police board case 12 and taking a look at Exhibit 35, 13 in fact, let me do it with the 14 witness. 15 (Document marked as Scatchell 16 Junior Exhibit No. 35 for 17 identification, 08/05/2020.) 18 BY MR. FOWLER: 19 Q. Take a look at Exhibit 35, please. 20 (Document tendered 21 to the witness.) 22 BY THE WITNESS: 23 A. (Witness complied.) 24</p>	<p style="text-align: right;">192</p> <p>1 Scatchell in the middle of the page? 2 A. I do. 3 Q. She was one of the attorneys who 4 submitted this answer, right? 5 MR. COOPER: Well, yeah, I -- 6 if he knows, he can answer the 7 question. 8 BY THE WITNESS: 9 A. I mean, it's on a piece of paper. 10 So I'm not sure what that implies, but... 11 BY MR. FOWLER: 12 Q. Okay. And that's the same Gianna 13 Scatchell that's representing your dad here 14 today, right? 15 MR. COOPER: Well -- so the 16 question is is Gianna Scatchell, 17 mentioned on the page, the same 18 Gianna Scatchell here today? 19 MR. FOWLER: Yes. 20 MR. COOPER: He can answer that. 21 BY THE WITNESS: 22 A. I believe so, yes. 23 BY MR. FOWLER: 24 Q. Okay. That's all I'm doing with</p>
<p style="text-align: right;">191</p> <p>1 BY MR. FOWLER: 2 Q. Do you recognize this as the answer 3 to the charges that was filed on your behalf 4 in the police board case? 5 MR. COOPER: If you know 6 the answer. 7 BY THE WITNESS: 8 A. It -- I mean, it might have 9 been. There has been so much paperwork. 10 So... 11 BY MR. FOWLER: 12 Q. And taking a look at the very last 13 page. 14 MS. SCACHELL: Jeff, is that 15 the amended answer, too, or just 16 the answer? 17 MR. FOWLER: This is the original. 18 I didn't bring the amended answer. 19 I'm not using it as an exhibit with 20 him. 21 MS. SCACHELL: Okay. 22 BY MR. FOWLER: 23 Q. So just looking at -- you see the 24 reference to the Law Offices of Gianna</p>	<p style="text-align: right;">193</p> <p>1 that. 2 (Document marked as Scatchell 3 Junior Exhibit No. 33 for 4 identification, 08/05/2020.) 5 BY MR. FOWLER: 6 Q. Take a look at Exhibit 33, please. 7 (Document tendered 8 to the witness.) 9 BY THE WITNESS: 10 A. (Witness complied.) 11 BY MR. FOWLER: 12 Q. What is Exhibit 33? 13 A. Fifth Amendment. 14 (Document marked as Scatchell 15 Junior Exhibit No. 34 for 16 identification, 08/05/2020.) 17 BY MR. FOWLER: 18 Q. Take a look at Exhibit 34, please. 19 (Document tendered 20 to the witness.) 21 BY THE WITNESS: 22 A. (Witness complied.) 23 BY MR. FOWLER: 24 Q. What is Exhibit 34?</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">194</p> <p>1 A. Fifth Amendment.</p> <p>2 Q. Now, we were talking earlier</p> <p>3 about the police board hearing and you</p> <p>4 recall that there were half a dozen</p> <p>5 different dates were -- that was up and</p> <p>6 you were present between April and</p> <p>7 November of 2018, right?</p> <p>8 A. Fifth Amendment.</p> <p>9 Q. During the police board hearings,</p> <p>10 you were aware that there were side</p> <p>11 conferences between your attorney and the</p> <p>12 attorney for the village?</p> <p>13 A. Fifth Amendment.</p> <p>14 Q. During that period of time, you</p> <p>15 were aware that you had the opportunity</p> <p>16 to resign from your employment with the</p> <p>17 village, isn't that true?</p> <p>18 A. Fifth Amendment.</p> <p>19 Q. During the period of time from</p> <p>20 November of 2017 through December of 2018,</p> <p>21 did you apply for work as a police officer</p> <p>22 with any other agency or city or organization?</p> <p>23 MR. CASPER: I object to</p> <p>24 that.</p>	<p style="text-align: right;">196</p> <p>1 it. How does whether or not he</p> <p>2 applied anywhere else have any</p> <p>3 bearing on this complaint?</p> <p>4 MR. FOWLER: Same subject</p> <p>5 designed to lead to the discovery</p> <p>6 of relevant. So I'm entitled --</p> <p>7 MR. CASPER: How does that</p> <p>8 answer lead to --</p> <p>9 THE COURT REPORTER: Wait one</p> <p>10 second. I can't hear you, Counsel.</p> <p>11 MR. CASPER: Sorry.</p> <p>12 THE COURT REPORTER: That's okay.</p> <p>13 MR. CASPER: How does whether</p> <p>14 or not John Scatchell, Jr. applied</p> <p>15 or considered employment at other</p> <p>16 police entities between I think you</p> <p>17 said November 2017 to November 2018</p> <p>18 have any bearing on this complaint?</p> <p>19 MR. FOWLER: Obviously, we</p> <p>20 disagree. I think it does. So</p> <p>21 unless you're instructing him not</p> <p>22 to answer, I'm going to ask him</p> <p>23 to answer.</p> <p>24 MR. CASPER: I will allow this</p>
<p style="text-align: right;">195</p> <p>1 Go ahead. Sorry. No</p> <p>2 objection.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Can you repeat the date range once?</p> <p>5 BY MR. FOWLER:</p> <p>6 Q. Between November of 2017 and December</p> <p>7 of 2018.</p> <p>8 A. I have never put in a formal job</p> <p>9 application anywhere.</p> <p>10 Q. Were you considering or considered</p> <p>11 for an opportunity in Maywood?</p> <p>12 MR. CASPER: I'm having a</p> <p>13 hard time understanding how this</p> <p>14 question and these questions are</p> <p>15 relevant to this proceeding.</p> <p>16 MR. FOWLER: You put in this</p> <p>17 complaint that one of the things</p> <p>18 that plaintiff is complaining about</p> <p>19 is that John Jr. did not have the</p> <p>20 opportunity to resign. That's in</p> <p>21 your complaint, in the new one.</p> <p>22 MR. CASPER: Okay. But how</p> <p>23 does whether or not he -- and you</p> <p>24 asked that question and he answered</p>	<p style="text-align: right;">197</p> <p>1 to go forward a little bit, but at</p> <p>2 some point, we're just getting</p> <p>3 too far afield, but I will not --</p> <p>4 MR. FOWLER: Do you need the</p> <p>5 question read back?</p> <p>6 MR. CASPER: No. I'm allowing</p> <p>7 him to answer the question. I mean,</p> <p>8 I'm not --</p> <p>9 MR. COOPER: Okay.</p> <p>10 BY MR. FOWLER:</p> <p>11 Q. So let me rephrase the question.</p> <p>12 During the period from</p> <p>13 November 9th, 2017, to December of 2018,</p> <p>14 did -- were you considering an opportunity</p> <p>15 to accept a position with Elmwood Park?</p> <p>16 MR. COOPER: You can answer</p> <p>17 that.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I entertained it until I found out</p> <p>20 that Deputy Chief Castellon was close friends</p> <p>21 with Deputy Chief Hock over there and I just</p> <p>22 thought it's the same exact scenario especially</p> <p>23 if I'm not going to be going over there and</p> <p>24 bringing my dirty laundry there. Melrose Park</p>

50 (Pages 194 to 197)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">198</p> <p>1 can stay in Melrose Park. 2 BY MR. FOWLER: 3 Q. So you were the one who decided 4 not to pursue the opportunity, right? 5 A. Absolutely. 6 (Document marked as Scatchell 7 Junior Exhibit No. 42 for 8 identification, 08/05/2020.) 9 BY MR. FOWLER: 10 Q. Referring to Exhibit 42, at a 11 glance, it looked to me like Exhibit 42 12 was included in the documents that you 13 gave -- 14 MR. FOWLER: And, Cass, I 15 need those documents that he 16 brought with him today. 17 THE WITNESS: I think you 18 still have them. 19 MR. FOWLER: No. They went 20 from him to Cass and I haven't 21 seen them since. 22 MS. SCACHELL: The grievances 23 from yesterday? 24 MR. CASPER: No, no, the stack</p>	<p style="text-align: right;">200</p> <p>1 at the torn papers was a portion of the stack 2 that you had. 3 So what I'm asking you is 4 do you recognize Exhibit 42? 5 MR. COOPER: You can answer 6 that. 7 BY THE WITNESS: 8 A. Yes, I do. 9 BY MR. FOWLER: 10 Q. And these are the grievances that 11 you submitted and the responses to the 12 grievances? 13 A. I don't know if they're all in 14 here. I would have to look through them. 15 Q. Take your time and look through. 16 A. Even if I did take my time and 17 look through, I submitted several grievances 18 and none of them were ever truly entertained, 19 but I'd say the documents in here I submitted 20 these. 21 Q. Were there any grievances that you 22 submitted that are not included in Exhibit 23 42? 24 A. That I can recall off the top of my</p>
<p style="text-align: right;">199</p> <p>1 of documents. 2 MR. FOWLER: I haven't seen 3 them yet. 4 MS. SCACHELL: It might not 5 be relevant. 6 MR. CASPER: Well, hang on. 7 Hang on. I thought -- I thought 8 you did review those. 9 MR. FOWLER: No. They went 10 from Mike to you. 11 MR. BERSANI: I reviewed them. 12 You reviewed them. 13 MR. CASPER: What did you do 14 with those? Are they right there? 15 That's it. That's it right there. 16 We will gather them. 17 MR. FOWLER: I need them before 18 I finish. 19 MR. CASPER: Okay. We'll gather 20 them. 21 MS. SCACHELL: Uh-huh. 22 BY MR. FOWLER: 23 Q. So my question what led to that 24 is I believe that Exhibit 42 when I glanced</p>	<p style="text-align: right;">201</p> <p>1 head, no. 2 Q. Are there any responses that you 3 received that are not included in Exhibit 4 42? 5 A. Verbal responses. 6 Q. Okay. Anything else? 7 A. Not that I can recall off the top 8 of my head at this time. 9 Q. Who did you receive verbal responses 10 from? 11 A. Mark Reiger. 12 Q. And he was your direct supervisor? 13 A. When he was at work. 14 Q. How many times did he directly 15 respond verbally to you about your grievances? 16 A. Took me in the car, rode me around, 17 explained to me the politics of Melrose Park 18 and how I should just play the game and just 19 do what they say and it will probably go away, 20 stuff like that. 21 Q. And when did that conversation take 22 place? 23 A. Right in the middle of the proceedings, 24 2018 at some point.</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">202</p> <p>1 Q. You're saying middle of 2018? 2 A. Some -- at some point in 2018. 3 MR. FOWLER: That's way more 4 than he gave and the only reason 5 I'm saying that is I don't want 6 you to -- 7 MS. SCACHELL: These are all 8 the copies. So what happened was 9 what you saw was one copy from each 10 of these. So I already put them 11 back in -- you know, we passed out 12 copies for you, for us, for him, 13 for the court reporter. So that's 14 why you see more copies. 15 So when you just look at 16 it, each one of these top documents, 17 that's what was reviewed. 18 MR. FOWLER: So here's what 19 I'm going to do, since Mike saw 20 these, I'm going to ask Mike to 21 go through -- sorry, Mike. 22 MR. BERSANI: Are you paying me 23 to do this? I'll be happy to do that. 24 MR. FOWLER: Thank you, Mike.</p>	<p style="text-align: right;">204</p> <p>1 Q. Anything else? 2 A. No. 3 Q. None of your grievances -- strike 4 that. 5 You're aware that the 6 process is that to go to arbitration, it 7 has to be decided by the FOP, isn't that 8 right? 9 A. I was never given any decision. 10 Q. You knew that the FOP was the 11 one that pushes it to arbitration? 12 A. I would say yeah. 13 Q. Okay. And none of your grievances 14 went to arbitration, right? 15 A. To my knowledge, no. 16 Q. Do you know why? 17 A. I was never given an answer. 18 President Gepetta and Vice-President Natale 19 don't like me or at that time those two 20 didn't like me. That's the problem. 21 Q. One of the issues in your grievances 22 is that you didn't receive a day of pay for a 23 birthday or birthday off, something like that, 24 do you recall that?</p>
<p style="text-align: right;">203</p> <p>1 BY MR. FOWLER: 2 Q. During that conversation with 3 Reiger, was anybody else present? 4 A. No. 5 Q. In that conversation, what exactly 6 did he say and what did you say? 7 A. Obviously it's a three-year-old -- 8 two-year-old conversation approaching. So 9 I'm paraphrasing, but like I said, he said 10 just play ball, you should stop writing 11 these letters, this ain't helping you, 12 blah, blah, blah. 13 And my response to that was 14 I'm just supposed to take a backseat when 15 my career is on the line, I'm just supposed 16 to sit here and do nothing. 17 Q. Anything else? 18 A. I mean there were injustices and 19 I addressed them in these grievances. 20 Director Pitassi disagreed and it never 21 really went any further. 22 I heard a little bit about 23 one going to arbitration and that was it 24 and I never heard nothing since that point.</p>	<p style="text-align: right;">205</p> <p>1 A. I believe I recall that. 2 Q. And you did receive that in 2018, 3 didn't you, after the grievances? 4 A. I don't recall that. 5 Q. You don't recall one way or the 6 other? 7 A. At this time, no. 8 Q. Did you ever file a claim with 9 the Illinois Department of Labor about 10 not receiving compensation that was owed 11 to you? 12 A. I don't recall at this time. 13 Q. Do you have any personal knowledge 14 of a policy at the Village of Melrose Park 15 of retaliating against people for exercising 16 First Amendment rights? 17 MR. CASPER: I object to -- 18 well, no objection. 19 BY THE WITNESS: 20 A. I'm not aware of the exact policy, 21 but I know one exists. 22 BY MR. FOWLER: 23 Q. How do you know one exists? 24 A. That's common sense. First</p>

52 (Pages 202 to 205)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">206</p> <p>1 Amendment right is protected speech. 2 That's anywhere. This is the United 3 States of America. So Melrose Park 4 applies to that. I would assume they 5 have that in the SOPs. That's a pretty 6 safe assumption. 7 Q. Okay. So just so I'm clear, 8 what you're saying your testimony is 9 that you're aware that there is a policy 10 of allowing First Amendment speech, is 11 that true? 12 Is that what you're saying? 13 MR. COOPER: Objection, calls 14 for a legal conclusion, the phrase 15 First Amendment. 16 BY THE WITNESS: 17 A. My understanding of your question 18 is you're asking me is there an SOP that 19 protects First Amendment -- free speech. 20 I believe there is. I'm not positive on 21 it. 22 BY MR. FOWLER: 23 Q. Okay. That wasn't actually what 24 I was asking you.</p>	<p style="text-align: right;">208</p> <p>1 A. Let's see. Well -- 2 MR. COOPER: Objection, 3 asked and answered. 4 Go ahead and answer 5 again. Same names you gave earlier. 6 BY THE WITNESS: 7 A. Yeah. I mean, Jeff Juan, you guys 8 forced him out. Devon Moss, he was in 9 Afghanistan, you guys fired him for residency. 10 His residency at the time was Afghanistan. 11 So, I mean, let's see. You guys forced out, 12 Mark Lockton. Who else? Gil Espinosa. 13 Fired Angela Williams, but 14 again Steve Pesch arguably still doesn't 15 live in town. He mows the lawn occasionally, 16 puts on a nice show. Jerry Manzel definitely 17 doesn't live in town right now and claims 18 the consensus -- not a -- what do you call 19 it decree, a homeowner's exemption on the 20 house that he had as out west versus the 21 house that he has here. He claimed one on 22 both. How do you do that? 23 BY MR. FOWLER: 24 Q. Anybody else?</p>
<p style="text-align: right;">207</p> <p>1 A. Okay. 2 Q. So thank you for -- 3 A. Please be clear about it then for 4 me. 5 Q. I will certainly try. 6 Are you aware of any 7 express policy to retaliate against people 8 who have exercised their First Amendment 9 rights? 10 A. Is there a policy? Okay. Now, 11 I understand your question. No, but there 12 is unwritten rules, sure. 13 Q. How do you know that there are 14 unwritten notes? 15 A. Look at my father. He is a prime 16 example. 17 Q. Anything else? 18 A. Look at anybody they forced out 19 of this town versus the people that were 20 allowed to stay that did far greater things 21 or far worse things I should say than 22 whatever was accused of anybody in this 23 case. 24 Q. Who do you believe was forced out?</p>	<p style="text-align: right;">209</p> <p>1 A. No. 2 Q. What did Jeff Juan say or do that 3 you believe was protected by the First 4 Amendment? 5 A. I believe he told somebody he 6 lived out of town and they told somebody 7 else and that's how he got in trouble or 8 invited somebody. 9 Q. Now, do you have any firsthand 10 knowledge of that or is that just what 11 you're guessing? 12 A. And that's my belief based on 13 conversations I had with people around 14 the time. 15 Q. What firsthand knowledge do you 16 have that Devon Moss engaged in First 17 Amendment protected activity of speech? 18 A. He was serving our country at 19 the time that you guys fired him. He told 20 everybody he lived in town before that and 21 still you guys fired him. So -- and I know 22 he lived in town because I actually saw 23 him at his house and he used to come and 24 visit me and my neighbor walking.</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">210</p> <p>1 Q. Anything else? 2 A. That's all. 3 Q. What First Amendment protected 4 activity did Mark Lockton engage in? 5 A. Free speech. 6 Q. What speech? 7 A. He was talking about something 8 in Harlo about the mayor never promoting 9 him and then it turned into a whole thing 10 where Pitassi wanted to fire him over it. 11 Q. Where did -- how do you know 12 that Mark Lockton -- 13 A. Because I was sitting with Mark 14 when he said it. 15 Q. Remember you got to let me finish 16 my question. Okay? 17 A. Okay. 18 Q. When did that conversation take 19 place? 20 A. Shortly after Mark retired, took 21 his forced retirement. 22 Q. Anybody else present? 23 A. I forget who the village official 24 was, but somebody was sitting two seats down</p>	<p style="text-align: right;">212</p> <p>1 A. The old Harlo, the way that the 2 old Harlo was laid out, there was just one 3 consecutive line of seats, so one next to 4 the other next to the other. 5 And I don't think there 6 was anybody sitting between Mark and whoever 7 that -- I believe he was a fireman. I don't 8 think he is there anymore. 9 Q. That person wasn't part of your 10 conversation, but you think they could have 11 overheard it, is that what you're saying? 12 A. Oh, they definitely overheard it 13 because they actually made remarks about it. 14 Q. Who -- and you don't know who that 15 person was? 16 A. He's a fireman. I would remember 17 his face if I saw him. I don't remember. 18 Q. A fireman meaning a firefighter 19 or -- 20 A. A firefighter in the Village of 21 Melrose Park, yes. 22 Q. During that conversation with 23 Mr. Lockton, what did he say to you and 24 what did you say to him?</p>
<p style="text-align: right;">211</p> <p>1 and it doesn't take a brain surgeon to 2 extrapolate what occurred from there. 3 Q. So this was after Mark Lockton 4 had retired? 5 A. I'm sorry. I misspoke. This 6 was before he had officially retired. 7 He was still on the books because from 8 when he retired, his time carried him 9 to I believe August of that year if my -- 10 Q. So if I'm hearing what you're 11 saying right that he had already put in 12 the papers for retirement but he was just -- 13 this was the interim period that he was 14 burning up his used time, is that fair? 15 A. Correct. I don't know -- I don't 16 have direct knowledge that any papers were 17 submitted at that point. I just know that 18 that was -- he was to be off the books 19 around August of that year. 20 Q. During -- and you said that there 21 was some village official two seats down. 22 Was that in a different 23 table or booth or was that part of this 24 same conversation?</p>	<p style="text-align: right;">213</p> <p>1 A. He just talked about how it was 2 BS that this guy gets promoted, this guy 3 gets promoted, this guy gets promoted and 4 the mayor has done nothing for me. 5 Q. Anything else? 6 A. That I can recall, no. 7 Q. What did Gil Espinosa do that 8 you believe was protected by the First 9 Amendment? 10 A. Again, told people where he 11 lived. 12 Q. Anything else? 13 A. Made the mistake of trusting 14 people that he shouldn't have. 15 Q. Anything else? 16 A. That I can recall at this time, 17 no. 18 Q. What did Angela Williams do that 19 you believe was protected by the First 20 Amendment? 21 A. She was occupying a job somebody 22 else wanted. 23 Q. Anything else? 24 A. And again invited people to her</p>

54 (Pages 210 to 213)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">214</p> <p>1 house, told people where she lived. None 2 of these instances of residency were 3 secrets. The only secret that remains 4 is that Steve Pesch and Jerry Manzel 5 don't live in town. 6 Q. So a minute ago I was asking you 7 the questions about a policy, right? 8 You understood that? 9 A. (Witness nodded.) 10 Q. And do you believe that there 11 is a difference between a policy and a 12 custom? 13 Do you know what the term 14 "custom" means? 15 MR. CASPER: Object to 16 foundation. 17 BY THE WITNESS: 18 A. Something that's passed down, 19 traditional or something like that would 20 be how I would -- 21 BY MR. FOWLER: 22 Q. So if I were to ask you the 23 similar kind of question, do you have 24 any personal knowledge of a custom within</p>	<p style="text-align: right;">216</p> <p>1 A. I know there's names that I'm 2 forgetting, but, I mean, there's so many 3 names and so much stuff to go over at 4 this time, I don't recall anybody else. 5 Q. What did Mario Trombetta do or 6 say that you believe was covered by the 7 First Amendment? 8 A. What did he do or say? He was 9 vocal against the mayor and the mayor 10 went after him. 11 Q. When was that? 12 A. Twenty years ago, whenever that 13 lawsuit was. I do believe the mayor lost 14 or the village lost, one of the two. 15 Q. And do you -- do you have any 16 personal knowledge of what happened either 17 with what Mr. Trombetta said or did or the 18 mayor's response to it? 19 A. That would have been -- if the 20 lawsuit was around the year 2000, I would 21 have been 11 or 12 years old. My focus 22 wasn't on this stuff. 23 Q. So is the answer you do not have 24 personal knowledge?</p>
<p style="text-align: right;">215</p> <p>1 the village of retaliating against people 2 for First Amendment rights, would that be 3 the same five people that you just gave 4 me? 5 A. I would probably add -- was it 6 Mario Trombetta to the list. 7 Q. Anybody else? 8 A. And he was the one that had a 9 lawsuit with the mayor I believe 20 years 10 ago. 11 Q. Anybody else? 12 A. At this time -- well, Jennifer 13 McMillan. She spoke out against somebody 14 sending her from this building, this very 15 building, sending her a picture of his 16 genitalia and then shortly thereafter was 17 fired. 18 MR. BERSANI: Could you 19 read back that answer, please? 20 (Whereupon, the requested 21 portion of the record was 22 read accordingly.) 23 BY MR. FOWLER: 24 Q. Anybody else?</p>	<p style="text-align: right;">217</p> <p>1 A. I don't recall at this time. 2 Q. Jennifer McMillan, who is she? 3 A. She worked for the village. 4 Q. What was her job? 5 A. I know she worked at the desk. 6 I don't know exactly what she did here. 7 She was here quite sometime and her father 8 had just passed away right before all of 9 this stuff happened and a custom -- if 10 you want to ask what customs are, in this 11 town, everybody is perceived to have clout 12 or most people are perceived to have what 13 is called clout in this town and the new 14 custom apparently is once you're perceived 15 clout or what people call clout around 16 town dies, then so does your career. 17 And that -- I'm not saying 18 that applies to me in any way whatsoever. 19 I'm speaking specifically to Jennifer 20 McMillan. 21 Q. When did she leave village's 22 employment? 23 A. She didn't leave. She was fired. 24 Q. When was she fired?</p>

55 (Pages 214 to 217)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">218</p> <p>1 A. I think it was this year. And</p> <p>2 another -- and another person that I</p> <p>3 actually do recall now and I don't have</p> <p>4 firsthand knowledge of it, but it's rumors</p> <p>5 around town would be Jimmy Principe.</p> <p>6 And the rumor around town</p> <p>7 is he was fired for the mayor's speech</p> <p>8 because the mayor was the one referring</p> <p>9 to him as derogatory terms.</p> <p>10 Q. So Jennifer --</p> <p>11 A. They used his -- they used it as</p> <p>12 saying he had used his free speech, that's</p> <p>13 why we fired him.</p> <p>14 Q. Do you have any personal knowledge</p> <p>15 of Jennifer McMillan complaining about</p> <p>16 somebody sending her a picture?</p> <p>17 A. I heard from many people throughout</p> <p>18 this town, people that work in this building</p> <p>19 or visit this building often. It was a very</p> <p>20 well-known fact in this town.</p> <p>21 Q. Who did you hear it from?</p> <p>22 A. I can't recall at this time, many</p> <p>23 people.</p> <p>24 Q. Do you have any firsthand knowledge</p>	<p style="text-align: right;">220</p> <p>1 A. No, but, I mean, her direct</p> <p>2 supervisors would have been -- well,</p> <p>3 Christine is head of HR and the mayor</p> <p>4 is the mayor. So...</p> <p>5 Q. Who was her direct supervisor?</p> <p>6 A. I wouldn't know. Christine</p> <p>7 Piemonte being head of HR, but aside from</p> <p>8 that, I don't know any of the structure</p> <p>9 in this particular building. I can't speak</p> <p>10 to that.</p> <p>11 Q. Do you have -- so we've talked</p> <p>12 about several individuals and other than</p> <p>13 those individuals.</p> <p>14 Do you have any knowledge</p> <p>15 of a practice within the Village of Melrose</p> <p>16 Park of retaliating against people for</p> <p>17 exercising First Amendment rights?</p> <p>18 A. It seems to be a practice, yeah,</p> <p>19 or a common theme --</p> <p>20 Q. Okay.</p> <p>21 A. -- that if you speak out against</p> <p>22 the village, your days are numbered.</p> <p>23 Q. Other than with respect to the</p> <p>24 individuals that you just mentioned, Jeff</p>
<p style="text-align: right;">219</p> <p>1 as to the reasons why she was fired?</p> <p>2 A. No. But I know it was in</p> <p>3 retaliation for what she did.</p> <p>4 Q. How do you know that?</p> <p>5 A. Because that was the word around</p> <p>6 town. You don't go against this town and</p> <p>7 expect to work here. That's -- that's what</p> <p>8 they've made abundantly clear.</p> <p>9 Q. Anything else?</p> <p>10 A. Just like when they sent</p> <p>11 Attorney Scatchell a letter saying something</p> <p>12 to the effect of she took an adverse action</p> <p>13 because of Kyll's thing. It's black and</p> <p>14 white that if you oppose the village, guess</p> <p>15 what, your time is running out as to your</p> <p>16 employment. You can't have an opinion that</p> <p>17 differs from the village and still work</p> <p>18 here.</p> <p>19 Q. Who made the decision to discharge</p> <p>20 Jennifer McMillan?</p> <p>21 A. I would have to assume that came</p> <p>22 from either Christine Piemonte or Mayor</p> <p>23 Serpico.</p> <p>24 Q. You don't know?</p>	<p style="text-align: right;">221</p> <p>1 Juan, Devon Moss, Mark Lockton, Gil Espinosa,</p> <p>2 Angela Williams, Mark (sic) Trombetta,</p> <p>3 Jennifer McMillan and Jimmy Principe --</p> <p>4 A. I think it was Mario, Mario</p> <p>5 Trombetta.</p> <p>6 Q. Mario. Sorry.</p> <p>7 A. No worries.</p> <p>8 Q. Do you have personal knowledge</p> <p>9 of anyone else who you believe was subjected</p> <p>10 to a practice of retaliation?</p> <p>11 A. Johnny Simpson, Sr.</p> <p>12 Q. Anybody else?</p> <p>13 A. Sam stuffed him in the hole,</p> <p>14 made his shift 8:00 p.m. to 4:00 a.m.</p> <p>15 Q. Anybody else?</p> <p>16 A. Not that I can recall at this time.</p> <p>17 Q. When was -- when you're saying</p> <p>18 Johnny Simpson, Sr. he was made station</p> <p>19 supervisor?</p> <p>20 A. I believe that was the title given</p> <p>21 to him. Nobody ever called it that.</p> <p>22 Q. And your position is that he was</p> <p>23 then assigned to the same office that your</p> <p>24 father was assigned to?</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">222</p> <p>1 A. Correct. This is --</p> <p>2 Q. When was that?</p> <p>3 A. In the mid-2000s before Simpson</p> <p>4 retired.</p> <p>5 Q. And how do you know that Johnny</p> <p>6 Simpson engaged in First Amendment protected</p> <p>7 activity?</p> <p>8 A. Because he did something that</p> <p>9 upset Director Pitassi and that was his</p> <p>10 response and that was a well-known fact</p> <p>11 around town and it's something that still</p> <p>12 bothers people as far as how they can</p> <p>13 trust Pitassi based on how he treated his</p> <p>14 best friend.</p> <p>15 Q. So my question was how do you</p> <p>16 know that?</p> <p>17 A. Word-of-mouth.</p> <p>18 Q. Anything else?</p> <p>19 A. That's it.</p> <p>20 Q. You filed charges against Deputy</p> <p>21 Chief Castellan with the Board of Fire and</p> <p>22 Police Commissioners, right?</p> <p>23 A. I did.</p> <p>24 Q. One of -- one of the allegations</p>	<p style="text-align: right;">224</p> <p>1 Carfax and noticed the odometer was way off</p> <p>2 and that was perfectly evident when you put</p> <p>3 the VIN into Carfax, it confirmed that.</p> <p>4 Q. My question to you is what firsthand</p> <p>5 knowledge do you have of that incident?</p> <p>6 A. I was told by somebody who spoke</p> <p>7 directly to Bobby Anzaldi, Sr.</p> <p>8 Q. And who told you?</p> <p>9 A. I don't remember who that was at</p> <p>10 this time.</p> <p>11 Q. You don't have any other firsthand</p> <p>12 knowledge?</p> <p>13 A. Just Nowicki running around the</p> <p>14 station saying do you believe this guy sold</p> <p>15 me a lemon.</p> <p>16 Q. You never had any conversation with</p> <p>17 Anzaldi about it?</p> <p>18 A. Senior?</p> <p>19 Q. Whoever the Anzaldi who --</p> <p>20 A. It's Anzaldi, Sr. No, because</p> <p>21 something happened with Greg Salvi with the</p> <p>22 evidence room and then shortly thereafter</p> <p>23 Robert Anzaldi banished from the face of</p> <p>24 the earth.</p>
<p style="text-align: right;">223</p> <p>1 in those charges was that Deputy Chief</p> <p>2 Castellan had changed an odometer reading</p> <p>3 on the car that he sold.</p> <p>4 Do you recall that?</p> <p>5 A. I recall something about that.</p> <p>6 Q. What firsthand knowledge do you</p> <p>7 have about Deputy Chief Castellan doing</p> <p>8 anything with an odometer of a vehicle</p> <p>9 that he sold?</p> <p>10 A. I believe -- and I'm not clear</p> <p>11 exactly how the chain of events worked,</p> <p>12 but -- and I would -- if I had that document</p> <p>13 in front of me, I could read what I wrote,</p> <p>14 but I don't have that in front of me, I</p> <p>15 believe he had the -- he being Deputy Chief</p> <p>16 Castellan had sold the car or the Jeep in</p> <p>17 question to Robert Anzaldi who used to work</p> <p>18 in the evidence room at the station and now</p> <p>19 I believe is working again for the village</p> <p>20 under Castellan and then it was sold to</p> <p>21 Lieutenant Nowicki at the time and I believe</p> <p>22 the problem occurred when Lieutenant Nowicki</p> <p>23 attempted to sell the car and whoever he</p> <p>24 sold it or tried to sell it to looked up the</p>	<p style="text-align: right;">225</p> <p>1 Q. Have you ever heard Deputy</p> <p>2 Chief Castellan make any statements</p> <p>3 regarding that odometer incident?</p> <p>4 A. I know I heard them talk about</p> <p>5 the Jeep. I don't recall anything about</p> <p>6 the odometer.</p> <p>7 Q. Anything else?</p> <p>8 A. No.</p> <p>9 Q. You also made allegations against</p> <p>10 Deputy Chief Castellan regarding some</p> <p>11 ammunition issues.</p> <p>12 Do you recall that?</p> <p>13 A. Oh, I do.</p> <p>14 Q. What personal knowledge do you</p> <p>15 have regarding the ammunition issues?</p> <p>16 A. The on-duty CSO at the time told</p> <p>17 me exactly when Castellan and his nephew,</p> <p>18 Robert Anzaldi, Jr., took the ammunition</p> <p>19 out of the CSO office on July 4th when</p> <p>20 they knew nobody else would be there besides</p> <p>21 the CSO and they told the CSO you didn't</p> <p>22 see nothing and then they had the CSO prior</p> <p>23 to that put a note on there do not touch</p> <p>24 ammunition per Deputy Chief Castellan.</p>

57 (Pages 222 to 225)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">226</p> <p>1 Q. Who was that CSO? 2 A. I don't recall at this time. 3 Q. Any other firsthand knowledge about 4 that incident? 5 A. Just that it's never, never been 6 addressed. Nobody has ever said where this 7 ammunition went. All the range guys said 8 it was missing. It never -- it never showed 9 up and then all of a sudden ammunition showed 10 up one day out of nowhere and everybody found 11 that to be quite odd and then they changed 12 the keys. There was all kind of things that 13 went on with the range. 14 Q. And how do you know it was never 15 addressed? 16 A. Well, if it was, there was obviously 17 no transparency which is the exact issue as 18 to why we're here, disparate treatment, zero 19 transparency. You do something wrong, you 20 should expect to be disciplined. 21 Q. So you believe -- 22 A. Certain people don't get disciplined. 23 Q. Okay. So you believe any time any 24 officer is disciplined no matter what that</p>	<p style="text-align: right;">228</p> <p>1 (Document marked as Scatchell 2 Junior Exhibit No. 43 for 3 identification, 08/05/2020.) 4 BY MR. FOWLER: 5 Q. Take a look at Exhibit No. 43, 6 please. 7 (Document tendered 8 to the witness.) 9 BY THE WITNESS: 10 A. (Witness complied.) 11 BY MR. FOWLER: 12 Q. Did you receive this on or about 13 December 8th, 2017? 14 MR. COOPER: Hold on one 15 second. I would take the Fifth. 16 BY THE WITNESS: 17 A. Fifth Amendment. 18 (Document marked as Scatchell 19 Junior Exhibit No. 44 for 20 identification, 08/05/2020.) 21 BY MR. FOWLER: 22 Q. Take a look at Exhibit 44, please. 23 (Document tendered 24 to the witness.)</p>
<p style="text-align: right;">227</p> <p>1 that should be communicated to everybody in 2 the department? 3 A. Any time that somebody is made 4 an example of, they purposely put that 5 information out there, be it, the to/from 6 will be left on desks in roll call or 7 whatever. It's all mind games, so, yes, 8 I believe that information would have 9 been outed. 10 Q. That wasn't what I asked you. 11 A. Okay. Repeat what you asked me. 12 Q. What I asked is should it be? 13 A. Should it be? I think so, yes, 14 absolutely. I think that other officers 15 should know if I screw up in this regard, 16 I have this to look at. Not, oh, this 17 guy did this, but then I do the same thing 18 perhaps and I'll get 15 days, he gets nothing 19 or I'll get fired and he gets nothing, I'll 20 get suspended and he gets nothing or vice 21 versa. It just depends who you're friends 22 with. 23 24</p>	<p style="text-align: right;">229</p> <p>1 BY THE WITNESS: 2 A. (Witness complied.) 3 BY MR. FOWLER: 4 Q. Did you receive Exhibit 44 on 5 or about December 21st or 22nd of 2017? 6 A. Fifth Amendment. 7 MR. FOWLER: Let's take five 8 minutes. 9 (Whereupon, after a short 10 break was had, the following 11 proceedings were held 12 accordingly.) 13 BY MR. FOWLER: 14 Q. Mr. Scatchell, is there anything 15 that you can think of that's relevant to 16 your father's lawsuit that we haven't talked 17 about today? 18 A. That I could add at this particular 19 time, not that I can recall. 20 Q. And that goes right to my next 21 question. Is there anything that you'd 22 like to add to what we talked about today 23 that you feel like you didn't have an 24 opportunity?</p>

58 (Pages 226 to 229)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">230</p> <p>1 MR. CASPER: Objection to 2 the extent it calls for a narrative. 3 BY MR. FOWLER: 4 Q. You can answer. 5 A. At this time nothing that comes 6 to mind. 7 Q. There were a few times where I 8 asked you a question and you said you didn't 9 understand or you asked me to rephrase, 10 right? 11 Do you recall that? 12 A. Yes. 13 Q. In all of the other times when 14 you answered it, it was -- you understood 15 the questions and you were doing your best 16 to answer them? 17 A. I believe I was, yes. 18 Q. And have I been courteous and 19 professional to you throughout this 20 deposition? 21 A. You have. 22 MR. FOWLER: In that case, as 23 they say in Texas, since somebody 24 talked about Texas, pass the witness.</p>	<p style="text-align: right;">232</p> <p>1 things I do want to follow-up on. Number 2 one, you mentioned early on in your 3 testimony that there was something -- and 4 I didn't quite understand how this came 5 up, so forgive me. 6 A. Okay. 7 Q. There was something called the 8 Scatchell tax, your words. 9 A. Yes. 10 Q. Did you say those words? 11 A. I did. 12 Q. What does that refer to as you were 13 using it here today? 14 A. That refers to and arguably I was 15 the founding member of the Scatchell tax 16 because they came after me because of my 17 father, but that's what it's referred to 18 at the station. 19 When they either look 20 over, treat poorly or do something to 21 anybody that was either close to me or my 22 father, it's referred to as the Scatchell 23 tax. 24 Q. Who have -- who have you heard</p>
<p style="text-align: right;">231</p> <p>1 MR. BERSANI: I have no 2 questions. 3 MR. WOERNER: I have nothing 4 either. 5 MR. CASPER: I didn't know you 6 were done, Jeff. 7 Let me just talk to my 8 co-counsel for a second. 9 MR. FOWLER: Okay. 10 (Whereupon, after a short 11 break was had, the following 12 proceedings were held 13 accordingly.) 14 CROSS - EXAMINATION 15 by Mr. Casper 16 Q. Good afternoon, Mr. Scatchell. 17 I know it's been a long 18 day. I don't want to keep you much longer 19 than you need to be. 20 You took the Fifth on 21 some issues that I was planning on asking 22 you about. So I'm not going to go into 23 those topics. 24 There are a couple of</p>	<p style="text-align: right;">233</p> <p>1 use that phrase Scatchell tax around Melrose 2 Park police station -- 3 A. My entire -- 4 Q. -- let me finish -- 5 A. I'm sorry. 6 Q. -- when you were working there? 7 A. My entire shift at the time in 2018 8 used it. It was actually -- everybody kind 9 of would even bust balls about it, they'd 10 say, hey, the Scatchell tax, you guys are 11 paying the Scatchell tax, right? Yeah, me 12 too. 13 Q. Did you ever hear Deputy Chief 14 Michael Castellan use the phrase Scatchell 15 tax? 16 A. Not personally, no. 17 Q. Did you ever hear Mr. Rogowski 18 use that phrase? 19 A. No, I did not. 20 Q. Did you ever hear Mr. Pitassi 21 use that phrase? 22 A. Not that I can recall. 23 Q. How many different dates would 24 you say, if you could estimate, did you</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">234</p> <p>1 hear other officers using the phrase 2 Scatchell tax around the police station? 3 A. I would probably say the entire 4 last year I worked on the street. 5 Q. And what year would that have 6 been? 7 A. 2018. 8 Q. Is that a term -- who came up 9 with that term, if you know? 10 A. The guys in -- just random guys 11 in the station. I don't know who came up 12 with it. 13 Q. Did you come up with it? 14 A. No. 15 Q. And was it being used in a joking 16 fashion or some other fashion, you tell me? 17 A. Both. People that really weren't 18 in our party would use it in a joking fashion 19 like, hey, did you pay the Scatchell tax? 20 Yeah, I didn't get promoted. How about 21 you? Nope, not me either. But those were 22 guys that never were involved in any of 23 this. More so, it's meant to talk about 24 friends of mine, close friends of mine</p>	<p style="text-align: right;">236</p> <p>1 as you're describing it, that refers to the 2 administration treating officers badly as 3 a result of their positions being aligned 4 with the Scatchells, is that kind of the 5 gist of it? 6 A. Right. If you're friends with the 7 Scatchells -- 8 MR. BERSANI: Hang on. 9 Objection -- 10 BY THE WITNESS: 11 A. If you're friends with -- 12 MR. BERSANI: Hang on. 13 THE WITNESS: I didn't know 14 if you were done or not. 15 THE COURT REPORTER: Can 16 you repeat that for me, please, 17 Mike? 18 MR. BERSANI: I'm going to 19 object to the lack of foundation 20 of the question. 21 BY MR. CASPER: 22 Q. You can answer. 23 A. Could you repeat it one more 24 time?</p>
<p style="text-align: right;">235</p> <p>1 that have been clearly overlooked for 2 promotions that they deserve or people 3 who were loyal to my father or voted a 4 certain way against Kyll or a certain way 5 for the election, they were treated poorly. 6 Either they were -- I mean -- 7 Q. Does that mean Scatchell tax 8 that those individuals were being treated 9 poorly by Mr. Scatchell and yourself? 10 A. No. 11 Q. Is that -- well -- 12 A. It means that -- 13 Q. Let me finish the question. 14 Who does it refer to as 15 treating them poorly? 16 A. The administration/the village. 17 MR. BERSANI: Hold on. 18 Objection to the vagueness of 19 the question. 20 BY MR. CASPER: 21 Q. You can answer if you understand. 22 A. The administration/village. 23 Q. All right. So the Scatchell 24 tax as it's being thrown around by officers,</p>	<p style="text-align: right;">237</p> <p>1 MR. CASPER: Could you read 2 the question back, please? 3 (Whereupon, the requested 4 portion of the record was 5 read accordingly.) 6 BY MR. CASPER: 7 Q. Let me rephrase that question. It 8 was awkwardly worded. 9 So is the phrase Scatchell 10 tax, is that referring to officers complaining 11 about being treated badly by the administration 12 as a result of being perceived as aligned with 13 the Scatchells? 14 A. Yes. 15 MR. BERSANI: Same objection. 16 BY MR. CASPER: 17 Q. In your own words, can you describe 18 what the Scatchell tax is? 19 A. It's basically you showed support 20 or friendship for the Scatchells, you're not 21 going to get anything. You put your feet 22 up in the air, we're going to fire you 23 just like them. 24 Q. And who is going to be engaging</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">238</p> <p>1 in the punishing acts as officers are using 2 that phrase? 3 A. The administration. 4 MR. BERSANI: Same objection, 5 lack of foundation, vague -- 6 BY THE WITNESS: 7 A. The administration -- 8 MR. BERSANI: -- assumes facts 9 not in evidence. 10 BY THE WITNESS: 11 A. -- particularly Deputy Chief 12 Castellan at the time and Director Pitassi 13 at the time. 14 BY MR. CASPER: 15 Q. And how many other of your fellow 16 officers when you were working here did you 17 use -- did you hear use the phrase Scatchell 18 tax? 19 A. Dozens. 20 Q. And was this something you hear on a 21 daily basis, weekly basis -- 22 A. Daily. 23 Q. Let me finish the question. 24 Was this something you'd</p>	<p style="text-align: right;">240</p> <p>1 about the fact that the phrase Scatchell 2 tax was being bandied about? 3 A. They never complained about the 4 phrase. They complained about their 5 treatment. 6 Q. Okay. And who was subject to 7 this Scatchell tax according to what you 8 heard? 9 A. I remember one of the big people 10 that I first heard it from was Brian Jarecki. 11 Q. Who? 12 A. Brian Jarecki. 13 Q. Could you spell that last name? 14 A. J-A-R-E-C-K-I. 15 Q. And did you hear Brian Jarecki 16 use the phrase Scatchell tax yourself? 17 A. Yes. 18 Q. And where were you when you heard 19 that? 20 A. Roll call. 21 Q. Where was that roll call held? 22 A. Melrose Park police department. 23 Q. Do you remember what month and 24 year this was approximately?</p>
<p style="text-align: right;">239</p> <p>1 hear on a daily basis, weekly basis, monthly 2 basis or something else? 3 A. Daily. 4 Q. And did you ever hear officers 5 use the term Scatchell tax in the presence 6 of Mr. Rogowski? 7 A. Like I said earlier with Mr. Fowler, 8 once I left Rogowski's shift, he had nothing 9 to do with me, so him and I were never really 10 in the vicinity of each other much. So my 11 answer to that would be, no, I don't recall 12 that. 13 Q. Do you recall any officers using 14 the phrase Scatchell tax in front of 15 Mr. Castellan? 16 A. Not that I recall, but I'm sure 17 he's well-aware of the phrase. 18 Q. Did you ever hear any officers 19 use the phrase Scatchell tax in front of 20 Mr. Pitassi? 21 A. Not that I can directly recall 22 at this time. 23 Q. Did you ever hear any officers 24 complaining to sergeants or lieutenants</p>	<p style="text-align: right;">241</p> <p>1 A. No, I don't. 2 Q. Do you remember what shift this 3 was on? 4 A. It was when my shift would have 5 been starting, I was sitting in roll call 6 and Jarecki was walking into the supervisor's 7 office talking about the Scatchell tax and 8 how he'll never get promoted because he 9 voted for my dad. 10 Q. All right. Now, what time -- I 11 don't know when that roll call would have 12 been held here. You tell me -- 13 A. I -- 14 Q. Let me finish the question. 15 What time of day was that 16 roll call held where you heard Mr. Jarecki 17 make that statement? 18 A. It would have been -- can you 19 repeat that one more time? I'm sorry. 20 MR. CASPER: Can you read 21 the question back, please? 22 (Whereupon, the requested 23 portion of the record was 24 read accordingly.)</p>

61 (Pages 238 to 241)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">242</p> <p>1 BY THE WITNESS:</p> <p>2 A. I would have to guess it was</p> <p>3 afternoon shift when I was coming into</p> <p>4 work.</p> <p>5 BY MR. CASPER:</p> <p>6 Q. What range of hours would that</p> <p>7 have been where you would have been coming</p> <p>8 to work?</p> <p>9 A. 4:00 to midnight.</p> <p>10 Q. And this was close to the beginning</p> <p>11 of the shift when you heard this?</p> <p>12 A. This was in my roll call. So he</p> <p>13 was getting done with his shift as we were</p> <p>14 starting ours.</p> <p>15 Q. And how far away from Mr. Jarecki</p> <p>16 were you when you heard him begin this</p> <p>17 conversation?</p> <p>18 A. Inches. Inches.</p> <p>19 Q. And who else was present at the</p> <p>20 time in the immediate vicinity?</p> <p>21 A. Whoever was in the supervisor's</p> <p>22 office and whoever was in roll call because</p> <p>23 where I used to sit in roll call a lot of</p> <p>24 times was the very first chair outside the</p>	<p style="text-align: right;">244</p> <p>1 dad.</p> <p>2 He was upset at what they</p> <p>3 did to him because of his right to vote.</p> <p>4 I mean, just like we're told in roll call</p> <p>5 to go early vote because the mayor likes</p> <p>6 it.</p> <p>7 Q. Did you hear any responses to</p> <p>8 that statement by Mr. Jarecki?</p> <p>9 A. Once -- I mean, because like I</p> <p>10 said when he made the statement, he was</p> <p>11 walking into the office, he was mere</p> <p>12 inches from me. Once he gets in the</p> <p>13 office, then the sound becomes a little</p> <p>14 more distorted especially as your supervisors</p> <p>15 are discussing whatever's going on for</p> <p>16 that day.</p> <p>17 Q. So your answer is, no, you didn't</p> <p>18 hear any other statement made in response</p> <p>19 to Mr. Jarecki's?</p> <p>20 A. That I can recall at this time,</p> <p>21 no.</p> <p>22 Q. Did you say anything in response</p> <p>23 to that?</p> <p>24 A. No.</p>
<p style="text-align: right;">243</p> <p>1 supervisor's office.</p> <p>2 Q. Now, that supervisor's office is</p> <p>3 it appended directly to the roll call room?</p> <p>4 A. Yes.</p> <p>5 Q. And was there, in fact, a supervisor</p> <p>6 in that office at that time?</p> <p>7 A. Several.</p> <p>8 Q. Do you know by what rank those</p> <p>9 individuals in there were at that time?</p> <p>10 A. Sergeants and lieutenants. I don't</p> <p>11 remember specifics as to who was in the room.</p> <p>12 Q. But you're certain there were</p> <p>13 sergeants and lieutenants in that room at</p> <p>14 that time?</p> <p>15 A. He was complaining to his lieutenant.</p> <p>16 Q. Brian Jarecki was complaining to</p> <p>17 the lieutenant.</p> <p>18 And what did you hear Brian</p> <p>19 Jarecki say at that time?</p> <p>20 A. I heard him say I'm going to be</p> <p>21 paying the Scatchell tax for life because</p> <p>22 I voted for John in the presidency. I mean,</p> <p>23 he wasn't -- it wasn't saying it like he</p> <p>24 was upset, he was upset that he voted for</p>	<p style="text-align: right;">245</p> <p>1 Q. Were there any other officers</p> <p>2 in the roll call room at that time?</p> <p>3 A. Everybody was working a shift</p> <p>4 that night.</p> <p>5 Q. And did you hear any other</p> <p>6 officers in the roll call room make any</p> <p>7 statements in response to what Mr. Jarecki</p> <p>8 said?</p> <p>9 A. I remember guys just kind of</p> <p>10 snickering or -- yeah, the Scatchell tax</p> <p>11 or wolf pack or stuff like that.</p> <p>12 Q. Wolf pack?</p> <p>13 A. Uh-huh.</p> <p>14 Q. What's that?</p> <p>15 A. That was what the administration</p> <p>16 referred to my dad and his friends as, the</p> <p>17 wolf pack.</p> <p>18 Q. Who from the administration</p> <p>19 referred to your dad and his friends as</p> <p>20 the wolf pack?</p> <p>21 A. I believe Castellan and Pitassi</p> <p>22 both.</p> <p>23 Q. Did you ever personally hear them</p> <p>24 use that phrase?</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">246</p> <p>1 A. Yes.</p> <p>2 Q. What does that mean, the wolf</p> <p>3 pack, as far as you understand it?</p> <p>4 A. I couldn't even really put a</p> <p>5 guess. I just assumed that they wanted</p> <p>6 to put some type of moniker into their --</p> <p>7 what they perceived to be there enemies.</p> <p>8 Q. All right. All right. All</p> <p>9 right. How many times did you hear the</p> <p>10 phrase wolf pack used by Mr. Castellan</p> <p>11 in reference to your dad, you personally?</p> <p>12 A. I know I heard him say MAC pack</p> <p>13 versus wolf pack several times.</p> <p>14 Q. MAC pack?</p> <p>15 A. Uh-huh. That was his crew.</p> <p>16 Q. What's that?</p> <p>17 A. That was his crew. Anybody --</p> <p>18 Q. Whose crew?</p> <p>19 A. Deputy Chief Castellan. Anybody</p> <p>20 that was in his crew -- to be clear his</p> <p>21 initials are Michael A. Castellan. MAC</p> <p>22 pack stands for M-A-C pack.</p> <p>23 Q. All right. Going back to the</p> <p>24 original question, how many times did you</p>	<p style="text-align: right;">248</p> <p>1 you have to understand one thing, guys,</p> <p>2 especially policemen, love to talk.</p> <p>3 Q. Okay. I just want to get the</p> <p>4 facts here. Okay.</p> <p>5 A. Go ahead.</p> <p>6 Q. So just answer my question.</p> <p>7 A. Uh-huh.</p> <p>8 Q. What time period did you start</p> <p>9 hearing the Scatchell tax phrase being</p> <p>10 used?</p> <p>11 A. I would say right around the time</p> <p>12 period of why my dad showed his support for</p> <p>13 Kyll.</p> <p>14 Q. Okay. Can you put a month and</p> <p>15 year on that when you started to hear this?</p> <p>16 A. I would say in the 2017 timeframe.</p> <p>17 Q. And how long after that did you</p> <p>18 continue to hear the phrase Scatchell tax</p> <p>19 being used around the department?</p> <p>20 MR. BERSANI: Object to the</p> <p>21 lack of foundation.</p> <p>22 BY MR. CASPER:</p> <p>23 Q. How long after that?</p> <p>24 A. Until the last day I worked the</p>
<p style="text-align: right;">247</p> <p>1 hear Mr. Castellan refer to your father</p> <p>2 and his friends as the wolf pack?</p> <p>3 A. Several.</p> <p>4 Q. Can you give me any specifics</p> <p>5 about any of those times that you heard</p> <p>6 that?</p> <p>7 A. I remember, yeah, wolf pack</p> <p>8 versus MAC pack, we're ready whenever</p> <p>9 they're ready and just the rah-rah nonsense</p> <p>10 from his office.</p> <p>11 Q. Okay. Did you actually hear</p> <p>12 Mr. Castellan make statements along the</p> <p>13 lines of what you just said?</p> <p>14 A. For roll call, yeah.</p> <p>15 Q. How many times did you hear</p> <p>16 Mr. Castellan make those kinds of</p> <p>17 statements that you just articulated?</p> <p>18 A. Several.</p> <p>19 Q. Over what time period?</p> <p>20 A. That same exact time period that</p> <p>21 I just described, right around when the</p> <p>22 Scatchell tax discussion was going around</p> <p>23 that was -- all these different monikers</p> <p>24 and nicknames were going around because</p>	<p style="text-align: right;">249</p> <p>1 street.</p> <p>2 Q. And that was when?</p> <p>3 A. They pulled me off the street</p> <p>4 sometime in November.</p> <p>5 Q. Now, this wolf pack thing, can</p> <p>6 you put a month and year when you first</p> <p>7 started hearing that phrase being used</p> <p>8 around the police station?</p> <p>9 A. Probably shortly after I got</p> <p>10 hired.</p> <p>11 Q. When would that have been?</p> <p>12 A. I would say that I first heard</p> <p>13 it in the year 2013.</p> <p>14 Q. And MAC pack, can you put a</p> <p>15 month and year when you first heard that?</p> <p>16 A. Same timeframe.</p> <p>17 Q. All right. Now, wolf pack, was</p> <p>18 that ever used, as you took it, in a</p> <p>19 derogatory fashion towards your father?</p> <p>20 A. Absolutely.</p> <p>21 Q. Okay. In your own words, I</p> <p>22 mean, I don't quite get this, how is wolf</p> <p>23 pack derogatory? Can you explain that</p> <p>24 to me?</p>

63 (Pages 246 to 249)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">250</p> <p>1 A. Because he was --</p> <p>2 MR. BERSANI: Hang on.</p> <p>3 THE WITNESS: Go ahead. I'm</p> <p>4 sorry. Go ahead. Go ahead.</p> <p>5 MR. BERSANI: I want to speak</p> <p>6 before you answer.</p> <p>7 Object to lack of</p> <p>8 foundation.</p> <p>9 BY MR. CASPER:</p> <p>10 Q. You can answer.</p> <p>11 THE WITNESS: Can you repeat</p> <p>12 the question one more time? I'm</p> <p>13 sorry.</p> <p>14 (Whereupon, the requested</p> <p>15 portion of the record was</p> <p>16 read accordingly.)</p> <p>17 BY THE WITNESS:</p> <p>18 A. Yeah, it's derogatory because he's</p> <p>19 pigeonholing anybody that he perceives to be</p> <p>20 a friend of my father into this group which</p> <p>21 he now has shown that he perceives them</p> <p>22 to be the enemies, the MAC pack versus</p> <p>23 the wolf pack.</p> <p>24 What is that supposed to</p>	<p style="text-align: right;">252</p> <p>1 a conversation with my dad, he would mock</p> <p>2 him like, ah, the wolf pack wants this,</p> <p>3 the wolf wants that, the wolf pack wants</p> <p>4 this.</p> <p>5 Q. That would be Mr. Pitassi?</p> <p>6 A. That would be Mr. Pitassi.</p> <p>7 Q. And were you ever present to hear</p> <p>8 that personally?</p> <p>9 A. Yes.</p> <p>10 Q. How many times?</p> <p>11 A. Any time I was inside the station,</p> <p>12 you could pretty much guarantee you're going</p> <p>13 to get some kind of gold nugget from Sam's</p> <p>14 mouth. He -- he literally screams at the</p> <p>15 top of his lungs from his office or rants</p> <p>16 and raves and walks down the hallway past</p> <p>17 the CSO office, past the mail room, past</p> <p>18 the traffic office, so there's lots of</p> <p>19 people that hear stuff he says.</p> <p>20 Q. And as long as we're on the</p> <p>21 subject, you stated early on in your</p> <p>22 examination by Mr. Fowler that you heard</p> <p>23 Mr. Pitassi use the N word.</p> <p>24 Did I hear you say that?</p>
<p style="text-align: right;">251</p> <p>1 mean? Are we having a backyard fight?</p> <p>2 BY MR. CASPER:</p> <p>3 Q. And who is the he you're referring</p> <p>4 to?</p> <p>5 A. Deputy Chief Castellan.</p> <p>6 Q. Did you ever hear of Mr. Pitassi</p> <p>7 refer to your father as wolf man or wolf</p> <p>8 pack?</p> <p>9 MR. BERSANI: Object, wolf</p> <p>10 man was never used.</p> <p>11 Mischaracterizes his</p> <p>12 testimony.</p> <p>13 BY MR. CASPER:</p> <p>14 Q. Okay. Well --</p> <p>15 A. Yeah, I've heard him say wolf</p> <p>16 pack and stuff like that.</p> <p>17 Q. And can you recall any specific --</p> <p>18 MR. BERSANI: Object to</p> <p>19 vagueness.</p> <p>20 BY MR. CASPER:</p> <p>21 Q. Now, can you recall any specific</p> <p>22 incidents where you heard Mr. Pitassi refer</p> <p>23 to your father as wolf pack?</p> <p>24 A. In the sense of any time he had</p>	<p style="text-align: right;">253</p> <p>1 A. I personally have heard him say</p> <p>2 a lot of swears. The N word, I was told</p> <p>3 that he said that from my father in a meeting</p> <p>4 with him about Kyll.</p> <p>5 Q. Okay. Have you ever personally</p> <p>6 heard Mr. Pitassi use the N word?</p> <p>7 A. When I was at his house as a child,</p> <p>8 all the time.</p> <p>9 Q. Okay. How many times did you</p> <p>10 hear Mr. Pitassi use the N word in that</p> <p>11 capacity?</p> <p>12 A. Almost every other word at times.</p> <p>13 Q. All right. How long has it been</p> <p>14 since you heard Mr. Pitassi use the N word?</p> <p>15 MR. BERSANI: Object to</p> <p>16 the form, lack of foundation,</p> <p>17 vague.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I stopped hanging around with his</p> <p>20 kid around 8th grade, so I would say that</p> <p>21 the last time I physically was present to</p> <p>22 hear him say the N word would have been</p> <p>23 around that time, so I don't know, I was</p> <p>24 14 maybe.</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">254</p> <p>1 BY MR. CASPER:</p> <p>2 Q. All right. And I just want to</p> <p>3 get this clear, when did you hear that</p> <p>4 Mr. Pitassi used the N word in reference</p> <p>5 to Kyll?</p> <p>6 A. As soon as my dad left his office.</p> <p>7 Q. Month and year?</p> <p>8 MR. BERSANI: Wait, wait.</p> <p>9 Can we get some foundation for</p> <p>10 this?</p> <p>11 MR. CASPER: I'm doing that.</p> <p>12 BY MR. CASPER:</p> <p>13 Q. Month and year, please?</p> <p>14 A. Shortly after he filed his grievance</p> <p>15 so that would have been like late 2016.</p> <p>16 Q. Who filed what grievance?</p> <p>17 A. Kyll filed his grievance.</p> <p>18 Q. Okay. So where are you when you</p> <p>19 hear this from Mr. Scatchell?</p> <p>20 A. From my father?</p> <p>21 Q. Yes.</p> <p>22 A. In the house that we shared together.</p> <p>23 Q. All right. And do you recall --</p> <p>24 I know Mr. Fowler asked you some of this.</p>	<p style="text-align: right;">256</p> <p>1 issue?</p> <p>2 A. It occurred after.</p> <p>3 Q. How did this conversation between</p> <p>4 you and your father come up?</p> <p>5 A. Just that do you believe what this</p> <p>6 guy is trying to pull.</p> <p>7 MR. BERSANI: Let me object</p> <p>8 to the lack of foundation as to</p> <p>9 that question, the previous one</p> <p>10 you just asked. Go ahead.</p> <p>11 BY MR. CASPER:</p> <p>12 Q. How does this conversation</p> <p>13 between you and your father where your</p> <p>14 father says Pitassi used the N word,</p> <p>15 how does this conversation start?</p> <p>16 A. He goes he is trying to fire</p> <p>17 Kyll when Kyll has every right to not</p> <p>18 live in town according to that decree.</p> <p>19 Q. Now, that statement, is that</p> <p>20 something your father said or something --</p> <p>21 A. That's something that I'm</p> <p>22 paraphrasing because I don't really</p> <p>23 remember much of the particulars of the</p> <p>24 conversation.</p>
<p style="text-align: right;">255</p> <p>1 What did you say to your father and what</p> <p>2 did he say to you in this conversation about</p> <p>3 the N word?</p> <p>4 A. Again, it was a long time ago.</p> <p>5 I just remember what he told me that Pitassi</p> <p>6 referred to Kyll as a nigger and a bunch of</p> <p>7 other whatever the hell he said, but that</p> <p>8 was what stuck out to me the most. I</p> <p>9 mean --</p> <p>10 Q. Do you remember?</p> <p>11 A. -- he's the same person he was</p> <p>12 when I grew up with his son --</p> <p>13 Q. Do you remember anything --</p> <p>14 A. -- didn't change.</p> <p>15 Q. Go ahead. I'm sorry.</p> <p>16 In this conversation between</p> <p>17 you and your father, this occurs in your house,</p> <p>18 do you remember any other words that your</p> <p>19 father used or that you used to your father</p> <p>20 in this conversation?</p> <p>21 A. Not at this time I don't recall.</p> <p>22 Q. And did this conversation occur</p> <p>23 before or after you learned that Kyll</p> <p>24 Lavalais filed a grievance over the residency</p>	<p style="text-align: right;">257</p> <p>1 I remember the crux of</p> <p>2 it was Sam called Kyll a nigger and that's --</p> <p>3 I don't know how you remain in police and</p> <p>4 law enforcement and use that kind of</p> <p>5 language.</p> <p>6 Q. Okay. And did you ever hear</p> <p>7 around the station Mr. Lavalais being</p> <p>8 referred to as the N word by any other</p> <p>9 officers?</p> <p>10 A. Not that I can recall at this</p> <p>11 time.</p> <p>12 Q. And when you were working at the</p> <p>13 police station, how many of your fellow</p> <p>14 officers were African-American, if you know?</p> <p>15 A. Strike my last answer. I'd like</p> <p>16 to reanswer.</p> <p>17 Q. Okay.</p> <p>18 A. Dino Dimaio.</p> <p>19 Q. What did Dino Dimaio with respect</p> <p>20 to --</p> <p>21 A. Uses the N word constantly.</p> <p>22 Q. How frequently have you heard</p> <p>23 Mr. Dimaio --</p> <p>24 A. Any time he encounters a black</p>

65 (Pages 254 to 257)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">258</p> <p>1 subject on a call which are calls he 2 shouldn't be on because he's a station 3 supervisor for the last four years by 4 the by. 5 Q. My question is how often have 6 you heard Mr. Dimaio use the N word in 7 reference to African-Americans? 8 A. Very often. 9 Q. Did that include -- 10 A. It wasn't -- it wasn't restricted 11 to just the N word either. 12 Q. Is that -- did you ever hear 13 Mr. Dimaio us the N word in reference to 14 Kyll Lavalais? 15 A. Yes. 16 Q. How many times? 17 A. At least once. 18 Q. And was that in your presence? 19 A. No. I was told what he said. 20 Q. By whom? 21 A. People who were sitting with him 22 and Lieutenant Maiello. 23 Q. Okay. Lieutenant Nunzio Maiello? 24 A. It is.</p>	<p style="text-align: right;">260</p> <p>1 A. There's not many female officers. 2 Q. And where were you when this officer 3 relays to you this conversation? 4 A. It probably would have been at 5 Bakers Square or something like that where 6 we would have -- a lot of time at night on 7 the 4:00 to 12:00 shift, we would all get 8 together, we would mark down, we would have 9 a cup of coffee or something to keep us at 10 our peak performance through the twilight 11 hours of the evening. 12 Q. And how many officers present for 13 this conversation? 14 A. It could have been any more -- 15 or it could have been up to six to ten 16 officers. 17 Q. And do you remember a month and 18 year where this conversation occurs? 19 A. I'd have to say it was shortly 20 right after the arbitration hearing. So 21 probably right around the time I went to 22 Dino's shift and that's when I heard it. 23 So it would be early '17. 24 Q. Early '17, is that?</p>
<p style="text-align: right;">259</p> <p>1 Q. All right. What did you hear 2 about Mr. Dimaio saying with respect to 3 Kyll? 4 A. Just after -- it was shortly after 5 that meeting where him and Kyll had words 6 over Kyll's arbitration and just talk of if 7 anybody on our shift supports that nigger, 8 they're going to have to really fucking pay 9 for it -- 10 Q. Okay. 11 A. -- and that was what I was told. 12 Q. Someone told you that there was a 13 conversation where that was stated? 14 A. Yes. 15 Q. Who told you that? 16 A. Somebody from my shift. I don't 17 recall. 18 Q. Who? 19 A. I don't recall at this time. 20 Q. Was it an officer? 21 A. Definitely. 22 Q. Okay. A young officer, old officer? 23 A. I don't recall at this time. 24 Q. Male or female?</p>	<p style="text-align: right;">261</p> <p>1 A. 2017. 2 Q. Is that before or after Kyll's 3 arbitration hearing? 4 A. I believe that's after. 5 Q. All right. Well, you testified 6 a minute ago about there was some meeting 7 where Dimaio and Lavalais had words? 8 A. That was at the arbitration 9 hearing -- 10 Q. Okay. 11 A. -- or when we were discussing a 12 vote to arbitrate for Kyll. 13 Q. Okay. So was your meeting with 14 this individual where you heard about -- 15 you heard about Dimaio using the N word, 16 was that before or after the FOP meeting 17 discussing voting on Kyll's arbitration? 18 A. After. I believe the timeline 19 of events was we had a meeting about 20 arbitrating and then another meeting to 21 vote it. I'm not positive on that. 22 Q. So my question is where you 23 hear this -- it said that Dimaio called 24 Lavalais -- refer to Lavalais as the</p>

66 (Pages 258 to 261)

John Scatchell, Jr.

August 5, 2020

262

1 **N word --**
 2 A. Uh-huh.
 3 **Q. -- does that happen before the**
 4 **first meeting where the -- Kyll's arbitration**
 5 **is discussed or after that meeting?**
 6 A. I believe --
 7 MR. BERSANI: Object to lack
 8 of foundation.
 9 BY THE WITNESS:
 10 A. I believe it directly followed
 11 when him and Kyll argued with each other
 12 at that meeting.
 13 BY MR. CASPER:
 14 **Q. What meeting did they argue with**
 15 **each other?**
 16 A. It was either the arbitration
 17 meeting or the meeting before that. I'm
 18 not sure. Both -- the crux is both meetings
 19 were about Kyll arbitrating.
 20 **Q. All right. Do you understand**
 21 **there is a difference between an arbitration**
 22 **hearing and a union meeting?**
 23 A. Absolutely.
 24 **Q. Okay. Is this a union meeting you**

263

1 **were referring to?**
 2 A. Yes, this is an FOP union meeting.
 3 **Q. All right. And you're not referring**
 4 **to the arbitration hearing when you're talking**
 5 **about --**
 6 A. No.
 7 **Q. -- when you heard about Dimaio**
 8 **refer -- okay.**
 9 **What do you hear about**
 10 **Dimaio saying about Lavalais?**
 11 A. I was told that if anybody shows
 12 support for this nigger that they're really
 13 going to pay for it and that's his exact
 14 words to whoever told me and it went around
 15 through our shift.
 16 **Q. All right. Other than that, have**
 17 **you ever heard anyone else refer -- heard**
 18 **or heard of anyone else referring to Kyll**
 19 **Lavalais with a racially derogatory term?**
 20 A. Other than Dino Dimaio, not
 21 that I can recall off the top of my head
 22 right now.
 23 **Q. Now, you mentioned Nunzio Maiello**
 24 **a moment ago?**

264

1 A. Yes.
 2 **Q. All right. And is that person a**
 3 **lieutenant or some other officer here at the**
 4 **department?**
 5 A. He was lieutenant.
 6 **Q. Is he still here?**
 7 A. I believe so.
 8 **Q. All right. Now, did you ever**
 9 **hear an allegation that Mr. Maiello was**
 10 **accused of hunting while on sick leave?**
 11 A. I may have. I don't recall
 12 that at this time.
 13 **Q. At any point in time, did anyone**
 14 **at the department ever approach you and**
 15 **state something to the effect that if your**
 16 **dad, John Scatchell, Sr. retires, it will**
 17 **save your job?**
 18 A. Yes.
 19 **Q. Okay. So who -- I'm going to lay**
 20 **some foundation now.**
 21 **Where does this conversation**
 22 **occur?**
 23 A. A lot of conversation at the
 24 department occurs in the back lot behind

265

1 the back door.
 2 **Q. I don't care --**
 3 A. I would say that that conversation
 4 there took place at the back lot.
 5 **Q. All right. And who is present**
 6 **for this conversation?**
 7 A. I believe I originally heard it
 8 I want to say Chane and Vaughn.
 9 **Q. All right. That's Officer Chane?**
 10 A. Fogg.
 11 **Q. I'm sorry?**
 12 A. Chane Fogg.
 13 **Q. Can you spell that?**
 14 A. C-H-A-N-E, F-O-G-G.
 15 **Q. Is that an officer?**
 16 A. Yes.
 17 **Q. And who is the other party's**
 18 **participant?**
 19 A. Vaughn, V-A-U-G-H-N.
 20 **Q. Is that an officer?**
 21 A. Yes.
 22 **Q. Was anybody else present for this**
 23 **conversation?**
 24 A. Whoever else was working the shift

67 (Pages 262 to 265)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">266</p> <p>1 that night.</p> <p>2 Q. All right. And are you physically</p> <p>3 present to hear this conversation?</p> <p>4 A. Yes.</p> <p>5 Q. Where are you standing when you</p> <p>6 hear this conversation?</p> <p>7 A. Next to them.</p> <p>8 Q. And so it's you --</p> <p>9 A. It's in a circle.</p> <p>10 Q. Okay. So you guys are in a circle.</p> <p>11 Where is the circle?</p> <p>12 A. Back door of the station waiting</p> <p>13 to leave.</p> <p>14 Q. What time of day was this?</p> <p>15 A. This would have been whatever</p> <p>16 time we were getting off shift.</p> <p>17 Q. And what date was this?</p> <p>18 A. It was sometime after the point</p> <p>19 where I was served with a statement of</p> <p>20 charges, so sometime in 2018 because I</p> <p>21 didn't -- I didn't go back to work until</p> <p>22 the middle of January I believe of 2018.</p> <p>23 Q. Can you give me a month on this</p> <p>24 in 2018?</p>	<p style="text-align: right;">268</p> <p>1 day?</p> <p>2 Q. That day.</p> <p>3 A. People nodded in agreement that</p> <p>4 that's what they had heard but nobody else</p> <p>5 vocalized it.</p> <p>6 Q. Subsequent to that conversation,</p> <p>7 did you ever hear words to this effect</p> <p>8 stated again?</p> <p>9 A. Many people have come to me and</p> <p>10 said that.</p> <p>11 Q. Such as who?</p> <p>12 A. People that don't even work in</p> <p>13 this town have come to me and said that,</p> <p>14 you know, Johnny, maybe your father --</p> <p>15 Q. Like who?</p> <p>16 A. Again, so many people have said</p> <p>17 it because that was perceived to be the</p> <p>18 truth.</p> <p>19 Q. Such as who?</p> <p>20 A. I know my -- my -- a couple</p> <p>21 neighbors had said it, something like they</p> <p>22 heard that if your dad retires, it will</p> <p>23 save your job and then maybe you can go</p> <p>24 on and still have a career.</p>
<p style="text-align: right;">267</p> <p>1 A. I would say it's January --</p> <p>2 well, I heard -- to be clear that was the</p> <p>3 first --</p> <p>4 Q. Just answer my question.</p> <p>5 A. I would say that particular one was</p> <p>6 January of '18 or February of '18, one of the</p> <p>7 two.</p> <p>8 Q. Okay. January or February 2018,</p> <p>9 you're standing in the circle by the station</p> <p>10 with Chane Fogg and Officer Vaughn, do I</p> <p>11 have this right?</p> <p>12 A. And several other officers that</p> <p>13 I can't remember.</p> <p>14 Q. And what do you hear with respect</p> <p>15 to your job being saved?</p> <p>16 A. That the word around from everybody</p> <p>17 is if your dad retires, it will save your job</p> <p>18 and that's what they want, they want your dad</p> <p>19 out of the picture.</p> <p>20 Q. And who stated that?</p> <p>21 A. Either Fogg or Vaughn, I'm not</p> <p>22 sure.</p> <p>23 Q. And did anybody else state that?</p> <p>24 A. Over the course of time or that</p>	<p style="text-align: right;">269</p> <p>1 I mean, what kind of</p> <p>2 answer is that -- or what kind of question</p> <p>3 is that?</p> <p>4 Q. What neighbor said that to</p> <p>5 you?</p> <p>6 A. I don't know, down the block.</p> <p>7 I can't recall at this time maybe -- maybe</p> <p>8 Joey Amabile.</p> <p>9 Q. Did they say where they heard that</p> <p>10 from?</p> <p>11 A. The powers that be.</p> <p>12 Q. Who would that be?</p> <p>13 A. The administration, the village</p> <p>14 or whoever they talk to by proxy and by</p> <p>15 proxy I mean a lot of times a message will</p> <p>16 be sent through one person to another so</p> <p>17 as to not implicate the other person.</p> <p>18 Q. All right. One other thing I want</p> <p>19 to follow up on and we'll call it quits here</p> <p>20 is the chief. You testified that Vito Scavo</p> <p>21 was being referred to as the chief?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And you heard Michael</p> <p>24 Castellan refer to him as the chief, is</p>

68 (Pages 266 to 269)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">270</p> <p>1 that correct?</p> <p>2 A. The chief, chiefy babes, Vito the</p> <p>3 chief.</p> <p>4 Q. All right. Were you ever in</p> <p>5 the police station when Michael Castellan</p> <p>6 referred to Vito Scavo as the chief?</p> <p>7 A. Yes.</p> <p>8 Q. How many times?</p> <p>9 A. Many.</p> <p>10 Q. And would he address you?</p> <p>11 A. We'd be like -- for example, the</p> <p>12 one that stands out to me is me and him were</p> <p>13 walking in the back door -- well, he was</p> <p>14 walking in from his garage --</p> <p>15 Q. You, you and who?</p> <p>16 A. Me and Deputy Chief Castellan.</p> <p>17 I was walking in from where we park the</p> <p>18 squads which is the same back door. His</p> <p>19 parking garage, you could pretty much meet --</p> <p>20 if you're all going up the stairs, if you</p> <p>21 walk in the same time, you're going to</p> <p>22 walk up the same time.</p> <p>23 So one day, him and I had</p> <p>24 a conversation in the hallway in the</p>	<p style="text-align: right;">272</p> <p>1 Castellan mention the chief around you in</p> <p>2 reference to Vito Scavo?</p> <p>3 A. Many of -- no other ones that I</p> <p>4 can cite in particular besides that one.</p> <p>5 Q. That particular one do you</p> <p>6 remember like a month and year of that?</p> <p>7 A. Probably because he was still</p> <p>8 talking to me at the time so 2014-'15ish.</p> <p>9 Q. And did you ever hear Deputy</p> <p>10 Chief Castellan use the phrase the chief</p> <p>11 in reference to Vito Scavo after that?</p> <p>12 A. Maybe at the Cubs game and that</p> <p>13 would probably be the last time I heard it.</p> <p>14 Q. And so as far as you were aware,</p> <p>15 based on that conversation, Deputy Chief</p> <p>16 Castellan, Deputy Chief Castellan knew --</p> <p>17 strike that question.</p> <p>18 MR. CASPER: All right.</p> <p>19 That's all the questions I have.</p> <p>20 REDIRECT EXAMINATION</p> <p>21 by Mr. Fowler</p> <p>22 Q. What is Brian Jarecki's position?</p> <p>23 A. Patrol officer.</p> <p>24 Q. What's the process for being</p>
<p style="text-align: right;">271</p> <p>1 stairwell, hey, how's chiefy babes, how's</p> <p>2 he doing, things like that and when he wants</p> <p>3 to friendly you up, he refers to everybody</p> <p>4 as babes, Johnny babes, chiefy babes, this</p> <p>5 babes, that babes. I don't trust him.</p> <p>6 Q. Is Vito Scavo known as chief by</p> <p>7 anyone else?</p> <p>8 A. Only to people that still show</p> <p>9 him the respect of the position he once</p> <p>10 held.</p> <p>11 Q. Okay. So is that a nickname for</p> <p>12 him, chief?</p> <p>13 A. I would say.</p> <p>14 Q. Do other people call him the chief?</p> <p>15 A. Some.</p> <p>16 Q. Are you certain that when Michael</p> <p>17 Castellan had, for example, that conversation</p> <p>18 with you that you just mentioned, are you</p> <p>19 certain that he was referring to Vito Scavo?</p> <p>20 A. Absolutely.</p> <p>21 Q. How are you certain of that?</p> <p>22 A. Because I don't have a personal</p> <p>23 relationship with Chief Pitassi.</p> <p>24 Q. And at any other times did Michael</p>	<p style="text-align: right;">273</p> <p>1 promoted from patrol officer?</p> <p>2 A. I believe -- I don't think you</p> <p>3 have to put in for it. I believe that</p> <p>4 they've promoted people without putting</p> <p>5 in for it, but if it's something that you</p> <p>6 really want, you should put in a to/from</p> <p>7 for it.</p> <p>8 Q. Isn't there a testing process</p> <p>9 with the Board of Fire and Police</p> <p>10 Commissioners?</p> <p>11 MR. CASPER: Object to</p> <p>12 foundation.</p> <p>13 BY THE WITNESS:</p> <p>14 A. For which kind of promotion?</p> <p>15 BY MR. CASPER:</p> <p>16 Q. For promotion from patrolman to</p> <p>17 sergeant?</p> <p>18 A. Patrolman to sergeant, sure. I</p> <p>19 wasn't saying that's what Jarecki wanted.</p> <p>20 Q. What promotion did he want?</p> <p>21 A. He wanted to be put in the tact</p> <p>22 division again.</p> <p>23 MR. BERSANI: Did you say --</p> <p>24 what was the last word?</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">274</p> <p>1 (Whereupon, the requested 2 portion of the record was 3 read accordingly.) 4 BY MR. FOWLER: 5 Q. So Jarecki had been in the tact 6 division at one point? 7 A. Yes. 8 Q. Do you know what -- why he was 9 moved out of the tact division? 10 A. Because he testified during Vito's 11 hearing. 12 Q. What personal knowledge do you 13 have of why he was moved out of tact? 14 MR. CASPER: Objection, asked 15 and answered. 16 BY THE WITNESS: 17 A. Just what I was told as to why 18 he was removed and that was what I was told. 19 BY MR. FOWLER: 20 Q. Who told you that? 21 A. Many people. 22 Q. Any of the deputy chiefs tell you 23 that? 24 A. No.</p>	<p style="text-align: right;">276</p> <p>1 Q. So -- 2 MR. BERSANI: '17? 3 THE WITNESS: '16. 4 BY MR. FOWLER: 5 Q. '16? 6 A. Yeah, '16. Sorry. 7 Q. So referring to that vote, do 8 you know who voted for and against him? 9 A. Based on what people have told 10 me how they voted, yes. 11 Q. And it's only based on what people 12 said they voted? 13 A. No. 14 Q. So how did that vote take place? 15 A. In the roll call room in the station. 16 Q. Okay. So in the roll call room. 17 Was it hands, was it secret 18 ballot, what was it? 19 A. I think it was secret ballot. I 20 don't exactly recall right now. 21 Q. So the only way you know who voted 22 for and against was based on what people 23 said afterwards about how they voted? 24 A. No, read the room.</p>
<p style="text-align: right;">275</p> <p>1 Q. Pitassi tell you that? 2 A. Not that I recall. 3 Q. How do you know who voted for and 4 against your father? 5 Well, let me ask you first, 6 do you know who voted for and against your 7 father? 8 A. Based on -- 9 MR. BERSANI: What are we 10 talking about, Jeff? 11 BY MR. FOWLER: 12 Q. Let me back up. You referred to 13 earlier that the Scatchell tax was paid by 14 people who voted against your dad, right? 15 A. Voted for my dad. 16 Q. Voted for your dad? 17 A. Showed support for my dad, yes. 18 Q. And you're referring to the vote 19 whereby he was running for president of 20 the FOP and he was replaced, is that it? 21 A. Correct. 22 Q. All right. And that was in the 23 fall of 2017, December 2017? 24 A. I believe it was fall.</p>	<p style="text-align: right;">277</p> <p>1 Q. Okay. Anything else? 2 A. There's FOP meetings every month. 3 All of a sudden every person from the 4 specialty division, every person that was 5 deemed to be a friend of either Castellan, 6 Pitassi or Rogowski showed up. It seemed 7 like the deck was stacked from the minute 8 he walked in that room, him being my father. 9 Q. Now, during that vote, none of 10 the deputy chiefs were there, were they? 11 A. They shouldn't have been. If 12 they were, they hid pretty well. 13 Q. You were there, you didn't see 14 them? 15 A. Just because I didn't see them 16 doesn't mean their presence was there. 17 There was cameras all in that room. 18 Q. Did you see Pitassi in that room? 19 A. I didn't. 20 Q. Any other way you know how people 21 voted during that meeting? 22 A. Yes, they told me. 23 Q. Okay. Anything else? 24 A. Would you like to know who told me?</p>

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">278</p> <p>1 Q. Not really.</p> <p>2 A. Well, Gene Cacciatore told me he</p> <p>3 did, he voted against my dad and he got</p> <p>4 promoted. Luis Flores told me he voted</p> <p>5 against my dad and he got put in tact and</p> <p>6 then removed. Johnny Amabile told me he</p> <p>7 voted against my dad and he got promoted</p> <p>8 to tact.</p> <p>9 Q. Who voted for your dad -- well,</p> <p>10 strike that.</p> <p>11 Who told you that they voted</p> <p>12 for your dad?</p> <p>13 A. That's a slippery slope, Jeff,</p> <p>14 because then they're going to have to sit</p> <p>15 here.</p> <p>16 Q. So let me ask it this way, who</p> <p>17 told you that they voted for your dad and</p> <p>18 then suffered an adverse consequence because</p> <p>19 of it?</p> <p>20 A. Brian Jarecki.</p> <p>21 Q. Anybody else?</p> <p>22 A. Chane Fogg.</p> <p>23 Q. Anybody else?</p> <p>24 A. John Menolascino.</p>	<p style="text-align: right;">280</p> <p>1 Q. How do you know he's never going</p> <p>2 to be promoted above lieutenant?</p> <p>3 A. Well, let's revisit the question</p> <p>4 in five years and we'll answer it.</p> <p>5 Q. Okay. What negative thing happened</p> <p>6 to John Menolascino?</p> <p>7 A. I know he adamantly wanted the</p> <p>8 tactical division because he's one of my</p> <p>9 best friends and we had that discussion</p> <p>10 many times.</p> <p>11 And I felt there is no</p> <p>12 better officer in that building still</p> <p>13 qualified to be in that tact division</p> <p>14 than John Menolascino and the only reason</p> <p>15 I figure he wasn't given it was because</p> <p>16 he was my friend. And the rumor was his</p> <p>17 father was told that.</p> <p>18 Q. Anything else?</p> <p>19 A. That's it.</p> <p>20 Q. What negative thing happened to</p> <p>21 Chane Fogg as a result of voting for your</p> <p>22 father?</p> <p>23 A. Last place on the sergeant's</p> <p>24 list or within the last three spots and</p>
<p style="text-align: right;">279</p> <p>1 MR. COOPER: How do you</p> <p>2 spell that for the court reporter?</p> <p>3 BY THE WITNESS:</p> <p>4 A. M-E-N-O-L-A-S-C-I-N-O.</p> <p>5 And to be clear, he told</p> <p>6 me he voted for my father. I extrapolated</p> <p>7 the rest.</p> <p>8 BY MR. FOWLER:</p> <p>9 Q. Okay. Anybody else?</p> <p>10 A. Joe Urso and I said Brian Jarecki.</p> <p>11 I'd have to sit and think about this for</p> <p>12 a second. At this time I can't recall any</p> <p>13 other names, but there are other names</p> <p>14 obviously. He had --</p> <p>15 Q. What negative thing happened to --</p> <p>16 A. -- seventeen votes.</p> <p>17 Q. What negative thing happened to Joe</p> <p>18 Urso?</p> <p>19 A. Joe Urso is never going to be</p> <p>20 promoted anything higher than lieutenant.</p> <p>21 Q. He was promoted to lieutenant</p> <p>22 after that meeting, wasn't he?</p> <p>23 A. No, he was not. He was promoted</p> <p>24 by Scavo.</p>	<p style="text-align: right;">281</p> <p>1 he's another guy with a ton of seniority,</p> <p>2 ton of knowledge, has no business being</p> <p>3 at the bottom of the sergeant list.</p> <p>4 Q. Okay. So walk me through the</p> <p>5 process of what it takes, what happens</p> <p>6 when somebody gets put on the sergeant</p> <p>7 list.</p> <p>8 Is that a written test?</p> <p>9 What is it?</p> <p>10 A. Yeah, you go in for a written test</p> <p>11 first.</p> <p>12 Q. Who does the written test?</p> <p>13 A. The police commissioners, the</p> <p>14 board, I believe.</p> <p>15 Q. Other than a written test, is</p> <p>16 there anything else part of the process?</p> <p>17 A. Well, the process changes from</p> <p>18 year-to-year or -- well, it's every three</p> <p>19 years but that changes every couple of</p> <p>20 years. The first time it came about I</p> <p>21 was able to take the test. They told me</p> <p>22 I could take the test, I took the test, I</p> <p>23 passed, took the oral interview and then</p> <p>24 I was told I didn't have enough chief</p>

71 (Pages 278 to 281)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">282</p> <p>1 points to qualify.</p> <p>2 Whatever, I had a couple</p> <p>3 years on, I didn't care. A couple of years</p> <p>4 later when the last one came out, I was</p> <p>5 told I wasn't allowed to take the test</p> <p>6 because I didn't have enough time on the</p> <p>7 job, but then Robert Anzaldi was allowed</p> <p>8 to take the test because he was Castellan's</p> <p>9 nephew.</p> <p>10 Q. Anything else?</p> <p>11 A. And he didn't have five years on</p> <p>12 him. He transferred from Berkley after I</p> <p>13 came here, so he had less than five clearly.</p> <p>14 Q. So other than a written test, what</p> <p>15 is it in the process that results in how</p> <p>16 they place on the list?</p> <p>17 MR. COOPER: Asked and</p> <p>18 answered. He said oral in addition.</p> <p>19 BY MR. FOWLER:</p> <p>20 Q. Who is the oral with?</p> <p>21 A. Probably the commissioners. When</p> <p>22 I went, it was -- I remember Esposito and</p> <p>23 Caputo being there. I can't recall if Rauzi</p> <p>24 was there or not.</p>	<p style="text-align: right;">284</p> <p>1 Q. What facts do you have that Deputy</p> <p>2 Chief Rogowski had any say in how somebody</p> <p>3 places on the sergeant's list?</p> <p>4 A. I don't know that he did.</p> <p>5 Q. All right. What facts do you</p> <p>6 have that Director Pitassi has any say in</p> <p>7 how somebody places on the sergeant's list?</p> <p>8 A. I don't know that too many of</p> <p>9 his guys have been promoted. I mean,</p> <p>10 some of them have, but I know that he has</p> <p>11 a direct oversee of who gets promoted in</p> <p>12 the specialty divisions. His son was</p> <p>13 promoted in the tact division which after</p> <p>14 what, two years, not even. I don't think</p> <p>15 that was warranted. Still don't.</p> <p>16 Q. Did I hear you say that John</p> <p>17 Menolascino had been on the tact unit?</p> <p>18 A. No, he never was. Brian Jarecki</p> <p>19 was.</p> <p>20 Q. And you mentioned that the last</p> <p>21 time you heard Director Pitassi use the</p> <p>22 N word was when you were about 14.</p> <p>23 How old are you now?</p> <p>24 A. Thirty-one.</p>
<p style="text-align: right;">283</p> <p>1 Q. What facts do you have that lead</p> <p>2 you to believe that Mayor Serpico decides</p> <p>3 how somebody places on the sergeant's list?</p> <p>4 A. Look at the list and look at the</p> <p>5 candidates and look at the candidates that</p> <p>6 were passed up or told that they failed.</p> <p>7 They told Mark Lockton he failed his last</p> <p>8 police test, which he might have, but I</p> <p>9 find that hard to believe a 20-year guy</p> <p>10 would fail a sergeant test especially when</p> <p>11 they put him as a senior officer I don't</p> <p>12 know how many times.</p> <p>13 Q. Anything else?</p> <p>14 A. Not that I can recall at this time.</p> <p>15 Q. What facts do you have that Deputy</p> <p>16 Chief Castellan had a say as to where somebody</p> <p>17 placed on the sergeant's list?</p> <p>18 A. All of his friends are promoted.</p> <p>19 Q. Anything else?</p> <p>20 A. Pesch, Natale, Gepetta, anybody</p> <p>21 that was ever shown to be close to Castellan</p> <p>22 now has a good position.</p> <p>23 Q. Anything else?</p> <p>24 A. No.</p>	<p style="text-align: right;">285</p> <p>1 Q. So that was about 17 years ago?</p> <p>2 A. Yes. Doesn't change the fact</p> <p>3 that it occurred over many years and I</p> <p>4 heard it many times. A tiger doesn't</p> <p>5 change its stripes.</p> <p>6 MR. FOWLER: All right. That's</p> <p>7 all I have.</p> <p>8 MR. BERSANI: I have nothing.</p> <p>9 MR. WOERNER: Nothing further.</p> <p>10 R E C R O S S - E X A M I N A T I O N</p> <p>11 by Mr. Casper</p> <p>12 Q. Based on that, when you used the</p> <p>13 phrase promotion, are you using that to</p> <p>14 refer to transfers from officers to the</p> <p>15 tact division?</p> <p>16 A. Promotion can mean promotion</p> <p>17 from anything from patrol, so patrol to</p> <p>18 traffic, patrol to tact, patrol to detectives</p> <p>19 or patrol to rank and file position like</p> <p>20 sergeant or lieutenant.</p> <p>21 Q. Okay. But when you refer to a</p> <p>22 promotion as a transfer from patrol to</p> <p>23 tact or those other divisions, that doesn't</p> <p>24 have to go through a list process --</p>

72 (Pages 282 to 285)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">286</p> <p>1 A. No.</p> <p>2 Q. -- such the sergeant's list does,</p> <p>3 does it?</p> <p>4 A. No, it doesn't.</p> <p>5 Q. Who's in charge of those</p> <p>6 "promotions" from, for example, patrol</p> <p>7 to tact?</p> <p>8 A. I was always told that that was</p> <p>9 the deputy chief's role and then when</p> <p>10 Rogowski came in as deputy chief, they</p> <p>11 subdivided the roles.</p> <p>12 Q. So, in other words, the police</p> <p>13 board, the personnel board, the Board of</p> <p>14 Fire and Police Commissioners doesn't have</p> <p>15 any control over the "promotion" from</p> <p>16 patrol to tactical?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. That's the deputy chief</p> <p>19 or the chief or the director?</p> <p>20 A. Correct.</p> <p>21 Q. And there is an oral interview</p> <p>22 that is required in this municipality for</p> <p>23 an officer to be placed on the sergeant's</p> <p>24 list, is that true?</p>	<p style="text-align: right;">288</p> <p>1 Q. And they were appointed by who?</p> <p>2 A. To my belief, the mayor.</p> <p>3 Q. Does the mayor have to reappoint</p> <p>4 those three individuals every so often?</p> <p>5 A. He's supposed to do it staggered</p> <p>6 every three years.</p> <p>7 Q. Has he ever appointed any other</p> <p>8 individuals to that spot other than those --</p> <p>9 Rauzi, Esposito and Caputo?</p> <p>10 MR. BERSANI: Object to lack</p> <p>11 of foundation.</p> <p>12 BY MR. CASPER:</p> <p>13 Q. If you know?</p> <p>14 A. Since that point, no.</p> <p>15 Q. So is it always those same three</p> <p>16 individuals who are conducting the role</p> <p>17 interview for an officer to be on the</p> <p>18 sergeant's list?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know anything about are</p> <p>21 those oral interviews open to the public?</p> <p>22 A. No.</p> <p>23 Q. Do you know that?</p> <p>24 A. Well, when I was at my interview,</p>
<p style="text-align: right;">287</p> <p>1 A. Yes.</p> <p>2 Q. So it's not just a test,</p> <p>3 it's a test plus an interview, is that</p> <p>4 true?</p> <p>5 A. Yes.</p> <p>6 Q. And that interview is conducted</p> <p>7 by whom, if you know?</p> <p>8 A. I believe that same board, whatever</p> <p>9 name they go by, but those three individuals.</p> <p>10 Q. And those individuals, do you know</p> <p>11 who they are now?</p> <p>12 A. As they are now, I believe it's</p> <p>13 Rauzi, Caputo and Esposito.</p> <p>14 Q. And how long have those three</p> <p>15 gentlemen been on that board?</p> <p>16 A. At least until some point after</p> <p>17 I got hired or they might have been there</p> <p>18 when I got hired. All I can tell you is my</p> <p>19 commission card showed George Leoni and</p> <p>20 that was in 2012.</p> <p>21 Q. Okay. But Caputo, Rauzi and</p> <p>22 Esposito have been there since after you</p> <p>23 were hired?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">289</p> <p>1 there was no public there.</p> <p>2 Q. Well, when did you undergo yours?</p> <p>3 A. It would have either been 2013 or</p> <p>4 '14 I believe.</p> <p>5 Q. Who was your oral interview with?</p> <p>6 A. Caputo and Esposito.</p> <p>7 Q. What kinds of questions did they</p> <p>8 ask you?</p> <p>9 A. Why do you believe that you would</p> <p>10 be a good supervisor, what traits, like basic</p> <p>11 background questions as to they want to know</p> <p>12 what kind of supervisor you're going to be</p> <p>13 like if you witness another supervisor doing</p> <p>14 this, are you going to keep it to yourself</p> <p>15 or are you going to tell -- it's like all</p> <p>16 those kind of questions and there is a panel</p> <p>17 of five people and everybody answers in</p> <p>18 turn.</p> <p>19 Q. Oh, there is a five person panel</p> <p>20 to conduct the oral interview?</p> <p>21 A. There's five other officers. So</p> <p>22 I would be there and then four others and</p> <p>23 then the same question is posed to all five</p> <p>24 officers in order.</p>

73 (Pages 286 to 289)

John Scatchell, Jr.

August 5, 2020

<p style="text-align: right;">290</p> <p>1 Q. Are the questions preprinted like 2 on a form? 3 A. I would guess, yes. 4 Q. Okay. And then Mr. Caputo and 5 Mr. Rauzi and Mr. Esposito, did they make 6 the determination of who goes on that list 7 next? 8 A. I believe they do. 9 Q. Is there -- is that decision made 10 there and then or sometime later? 11 A. Sometime very later. 12 Q. If you know, do they have to get 13 approval from Mayor Serpico to pick who 14 passes the oral interview process? 15 A. I believe they do. 16 Q. What's your basis for that belief? 17 A. That's what's been told around 18 town. I mean -- 19 Q. Who told that around town? 20 A. It goes around the station and 21 then rumor mill in town picks it up pretty 22 quickly, but my point would be that -- go 23 ahead, next question. 24 MR. CASPER: No, that's all</p>	<p style="text-align: right;">292</p> <p>1 your father use the term wolf pack? 2 A. I don't know, a few. 3 Q. More than ten? 4 A. I wouldn't say that. I -- I 5 couldn't give you a firm answer as far 6 as numbers because again the term I don't 7 believe originated from us and it was 8 perpetuated by the other side. 9 Q. That's not what I asked you, 10 though. I asked you how many times did 11 your father use -- 12 A. And my answer was -- 13 MR. CASPER: Objection, 14 asked and answer. 15 BY MR. BERSANI: 16 Q. Hang on. Hang on. He objected. 17 You've got to wait until he finishes. So 18 he's done. 19 How many times did your 20 father use the term wolf pack? 21 A. My recollection would be I don't 22 recall how many times because we had many 23 conversations about what Castellan referred 24 to us as.</p>
<p style="text-align: right;">291</p> <p>1 I have. 2 MR. BERSANI: I have a quick 3 question. 4 CROSS - EXAMINATION 5 by Mr. Bersani 6 Q. Have you ever heard your father 7 use the term wolf pack? 8 MR. CASPER: Object to -- 9 go -- go ahead. 10 BY THE WITNESS: 11 A. Yeah, exciting that's what we're 12 referred to as the wolf pack by them so 13 instead of just whatever, okay, we're the 14 wolf pack, big deal, call us what you want 15 to call us, it doesn't matter. 16 BY MR. BERSANI: 17 Q. And how many times have you heard 18 your father use the term wolf pack to refer 19 to his guys? 20 A. Not to refer to his guys, to 21 refer to what Castellan would say. 22 Q. In referring to his guys? 23 A. Yeah. 24 Q. How many times have you heard</p>	<p style="text-align: right;">293</p> <p>1 Q. Has he ever used the term wolf 2 pack outside of referencing Mike Castellan? 3 A. Not that I can recall at this 4 time. 5 Q. And have you ever heard -- has 6 anyone ever told you that your father used 7 the term wolf pack? 8 A. Not that I can recall at this time. 9 MR. BERSANI: That's it. Thanks. 10 MR. CASPER: That's all. 11 MR. FOWLER: That's it. 12 MR. COOPER: We'll reserve. 13 (Witness excused.) 14 AND FURTHER THE DEPONENT SAITH NAUGHT... 15 -ooOoo- 16 17 18 19 20 21 22 23 24</p>

74 (Pages 290 to 293)

75 (Pages 294 to 297)

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, LORI ANN ASAUSKAS, a notary public
within and for the County of Cook and State of
Illinois, do hereby certify that heretofore,
to-wit, on the 5th day of August, A.D., 2020,
personally appeared before me at the Village
of Melrose Park, 1000 N. 25th Street, Melrose
Park, Illinois, County of Cook and State of
Illinois, JOHN SCATCHELL, JR., a witness,
called by the Defendants in a certain cause
now pending and undetermined in the United
States District Court, Northern District of
Illinois, Eastern Division wherein JOHN
SCATCHELL, SR., is the plaintiff and VILLAGE
OF MELROSE PARK, an Illinois Municipal
Corporation; RONALD D. SERPICO; SAM C. PITASSI;
MICHAEL CASTELLAN; and STEVEN ROGOWSKI are the
defendants.

I further certify that the said witness,
JOHN SCATCHELL, was by me first duly sworn to
testify the truth, the whole truth and nothing
but the truth in the cause aforesaid; that the

1 testimony then given by him was by me
2 reduced to writing by means of shorthand
3 in the presence of said witness and
4 afterwards transcribed upon a computer,
5 and the foregoing is a true and correct
6 transcript of the testimony so given by
7 him as aforesaid.

8 I further certify that the
9 reading and signing of said deposition was
10 reserved by the witness.

11 I further certify that the taking
12 of the deposition was pursuant to notice,
13 and that there were present at the taking
14 of the deposition the aforementioned parties.

15 I further certify that I am not
16 counsel for nor in any way related to any
17 of the parties to this suit, nor am I in
18 any way interested in the outcome thereof.

19 In testimony whereof I have
20 hereunto set my hand and affixed my notarial
21 seal this 24th day of August, A.D., 2020.

22

23 LORI ANN ASASKAS, CSR, RPR.
24 Notary Public, Cook County, IL
Illinois License No. 084-002890

John Scatchell, Jr.

August 5, 2020

Page 300

A	226:6,15	255:4 261:6	29:20 32:4,4,11	Angela 49:18
A.D 294:21 298:7	adjective 149:5	263:24 285:1	32:12,24 34:12	50:11 51:16
299:21	administration	agree 25:18	34:14,22 35:4	208:13 213:18
a.m 3:5 221:14	43:5 56:10	127:19 149:10	38:2,14,21 40:20	221:2
ability 9:20 10:2	135:23 236:2	150:19 189:8	40:23 41:3,14	ANN 1:15 298:4
34:8 101:19	237:11 238:3,7	agreement 60:5	74:3,7,11,13,18	299:22
able 10:7 42:7	245:15,18	150:4,10,12	74:22 75:21	answer 7:12,17,19
64:22 281:21	269:13	268:3	76:1,17,22 77:15	7:22 8:7 9:5,10
absolute 59:13	administration/...	ah 252:2	77:18,23 78:2,5	15:11,17,20 16:8
absolutely 47:6	235:16	ahead 18:21 34:19	87:22,24 145:8	17:12 18:13,15
141:5 198:5	administration/...	41:12 60:19,24	145:11,13,18,22	18:22 19:6
227:14 249:20	235:22	82:5 91:15	146:14,18 147:8	27:20 28:7
262:23 271:20	administrative	97:23 101:16	147:11,15,20,23	31:11 34:1
abundantly 219:8	156:17	130:6 137:17	147:24 148:8,12	36:12 37:23
abuse 42:17	adopt 35:16	195:1 208:4	148:17,21 151:2	39:11 40:8 42:7
144:24	adverse 159:11,18	248:5 250:3,4,4	151:5,8,22 152:2	45:7 62:21 63:2
abusing 42:1	219:12 278:18	255:15 256:10	152:13,18 153:7	68:9 83:15,16
43:12	affect 9:20 10:1	290:23 291:9	154:10,22 155:5	88:4 98:23
accept 197:15	affixed 299:20	ain't 69:8 203:11	155:16,21 156:1	101:17 107:3,12
access 62:4 78:19	Afghanistan	air 237:22	156:6 157:7	109:1,20 118:18
112:24 118:12	90:14 208:9,10	aligned 236:3	158:1,5 162:23	118:19 126:4,7
accommodate 8:5	afield 197:3	237:12	163:18 181:17	126:16 127:4,7
accurately 7:23	aforementioned	allegation 264:9	181:20,23 182:5	131:16 132:8
accuse 91:8	299:14	allegations 222:24	182:7 183:10,22	134:24 136:13
accused 207:22	aforesaid 294:12	225:9	184:1,5,11,16	138:2,3 147:18
264:10	294:14 298:24	alleged 156:15	185:1,5,9 186:15	155:3 158:9
action 159:11,18	299:7	allow 196:24	186:24 193:13	159:3,20,22
219:12	African-Americ...	allowed 51:1,9,11	194:1,8,13,18	162:13 185:19
activities 66:18	257:14	60:12 86:18	205:16 206:1,10	185:23 186:8,10
134:7 162:11	African-Americ...	93:22 94:24	206:15,19 207:8	191:2,6,15,16,18
activity 66:16	258:7	96:12,14 207:20	209:4,17 210:3	192:4,6,20 196:8
209:17 210:4	afternoon 231:16	282:5,7	213:9,20 215:2	196:22,23 197:7
222:7	242:3	allowing 98:21	216:7 220:17	197:16 200:5
acts 238:1	age 47:7 106:15	197:6 206:10	222:6 228:17	204:17 208:4
actual 137:10	113:23 114:13	Amabile 269:8	229:6	215:19 216:23
ad 108:19	117:1,23 139:1	278:6	America 206:3	230:4,16 235:21
adamantly 280:7	139:14	ambiguity 33:5	ammunition	236:22 239:11
add 215:5 229:18	agency 194:22	amended 191:15	225:11,15,18,24	244:17 248:6
229:22	agenda 54:4	191:18	226:7,9	250:6,10 257:15
addition 282:18	ages 36:20	Amendment 15:1	amok 60:12,13	267:4 269:2
address 108:13	ago 12:7 36:20	15:3,14,21,24	amount 55:24	280:4 292:5,12
109:13 152:20	64:14 98:15	16:9,18,22 17:3	Anastacio 123:12	292:14
270:10	154:4 214:6	17:6,10 18:11	123:22	answered 16:5
addressed 203:19	215:10 216:12	28:16 29:5,11,13	and- 2:6,21	34:7 35:1 45:6

John Scatchell, Jr.
August 5, 2020

Page 301

45:14 50:3,15 51:18 70:5 107:1 131:15 140:8 145:24 146:7 162:11,16 186:2 195:24 208:3 230:14 274:15 282:18 answering 9:6 18:19 101:18 107:22 125:20 126:6,14,18 128:8 129:1,5 answers 9:21 10:3 10:8 289:17 anybody 28:1,6 28:12 44:16 49:3 52:7 60:16 61:17 64:16 65:2 72:6 90:17 94:19 99:4,6 102:11,18 111:24 117:22 118:6,11 120:20 122:8,19 139:4 142:22,23 162:1 203:3 207:18,22 208:24 210:22 212:6 215:7,11 215:24 216:4 221:12,15 232:21 246:17 246:19 250:19 259:7 263:11 265:22 267:23 278:21,23 279:9 283:20 anymore 47:11 129:14 162:2 212:8 anytime 70:21 Anzaldi 223:17 224:7,17,19,20 224:23 225:18	282:7 apologize 69:14 155:19 appalled 46:21 apparent 54:7 apparently 105:20 217:14 appear 35:18 appearance 185:22 appeared 2:11 3:6 3:12 298:8 Appears 21:14 23:14 26:12 appended 243:3 application 195:9 applied 196:2,14 applies 206:4 217:18 apply 194:21 appointed 288:1,7 appreciate 13:9 approach 264:14 approached 31:24 32:9 approaching 203:8 appropriate 161:3 approval 290:13 approved 149:17 approximately 240:24 April 152:16 157:22 186:6 194:6 arbitrate 261:12 arbitrating 261:20 262:19 arbitration 141:14 203:23 204:6,11,14 259:6 260:20 261:3,8,17 262:4 262:16,21 263:4	arguably 208:14 232:14 argue 141:13 262:14 argued 262:11 argument 101:9 125:13 arm 58:17 article 54:18 articulated 247:17 ASAUSKAS 1:15 298:4 299:22 aside 117:18 220:7 asked 30:14,14,22 34:2,5,17 38:12 45:5,14 50:3 51:18 63:4 68:5 68:9 70:5 72:14 83:15 88:12,13 88:14,17 89:1 107:23 109:22 127:7 131:15 135:4 140:7 145:24 146:7 153:23 154:2 156:10 162:15 185:3 195:24 208:3 227:10,11 227:12 230:8,9 254:24 256:10 274:14 282:17 292:9,10,14 asking 9:3 79:9,23 88:2,11 103:7 125:19 135:2 136:18 139:3 141:12,16 156:13 160:2 187:1 189:3 200:3 206:18,24 214:6 231:21 asks 10:11	assert 16:9 29:4 29:10 30:21 32:10,23 35:4 38:9 147:22 asserting 15:13 18:10 147:24 assertion 15:16 assigned 59:1,8 80:9 119:13 161:23 221:23 221:24 assignment 79:20 111:5 associates 20:2 assume 115:16 138:10,11 143:19 206:4 219:21 assumed 111:8 246:5 assumes 32:13,21 35:7 238:8 assumption 206:6 assured 70:18 attempted 223:23 attended 73:8 attention 123:18 123:20 187:18 attorney 20:12 36:9 37:17 108:11 127:2 134:22 194:11 194:12 219:11 attorneys 39:22 185:11,13,15 192:3 audibility 57:4 audio 12:14,17 August 1:19 21:15 21:19 24:12 163:17 211:9,19 294:12 298:7 299:21 authority 135:8	136:20 137:23 Avenue 3:3 89:18 average 181:24 avoid 97:13 153:10 aware 17:7,17,18 19:1,11 27:14 29:22 30:2,6,10 30:15 31:2 36:10,15 41:21 41:23 42:10,16 108:10 114:5 144:22 145:5,9 145:15 148:22 149:12 150:23 183:8 186:10,12 186:18,21 187:14 189:13 194:10,15 204:5 205:20 206:9 207:6 272:14 awkwardly 237:8
B				
B 4:8 5:1				
B-E-R-G 101:7				
babes 70:16 87:13				
94:10,13 270:2				
271:1,4,4,4,5,5				
back 29:1 31:15				
39:14 45:1				
51:14 54:1,21				
55:9 59:22				
65:18 67:5				
83:19 96:21				
98:1 105:13				
108:18 116:14				
116:15 129:19				
142:24 143:1				
148:5 151:6				
157:20 158:12				
162:9 188:24				
197:5 202:11				
215:19 237:2				

John Scatchell, Jr.
August 5, 2020

Page 302

241:21 246:23 264:24 265:1,4 266:12,21 270:13,18 275:12 back-to-back 121:12 background 289:11 backseat 203:14 backup 106:6 backyard 95:8 251:1 bad 12:2 76:20 badge 24:9 badly 236:2 237:11 bag 69:13 Bakers 260:5 ball 136:10 203:10 ballot 276:18,19 ballpark 117:7 142:19 161:4 balls 233:9 bandied 240:2 bang 56:23 banished 224:23 Barone 90:24 Bartemio 96:15 based 15:10,16 18:22 35:3 36:9 38:1 57:4 66:17 100:12 135:22 136:19 209:12 222:13 272:15 275:8 276:9,11 276:22 285:12 basic 289:10 basically 44:15 237:19 basis 35:20 45:17 60:20 86:17 128:3 155:11 156:6 238:21,21	239:1,1,2 290:16 Bates 147:2 bathroom 188:15 bearing 196:3,18 bedroom 57:8 beginning 63:14 69:18 242:10 behalf 2:11 3:6,12 123:12 191:3 belief 86:17 87:19 209:12 288:2 290:16 believe 11:24 26:17 39:19 41:20 43:14 73:18 92:8 95:11 98:12 101:22 102:12 106:9,13 114:23 122:4 133:16 138:4 149:15 150:16 161:14 161:17,21 162:18 192:22 199:24 205:1 206:20 207:24 209:3,5 211:9 212:7 213:8,19 214:10 215:9 216:6,13 221:9 221:20 223:10 223:15,19,21 224:14 226:21 226:23 227:8 230:17 245:21 256:5 261:4,18 262:6,10 264:7 265:7 266:22 273:2,3 275:24 281:14 283:2,9 287:8,12 289:4,9 290:8,15 292:7 believed 41:1 benefits 149:1	151:1 Berkley 282:12 Bersani 2:17,20 4:7 21:2 31:12 37:8,10 106:24 107:6,10,17,21 125:18,22 126:4 126:8,14,19,22 126:24 127:1,6 127:10,13,21 128:5,7,16,24 130:11 158:11 190:1 199:11 202:22 215:18 231:1 235:17 236:8,12,18 237:15 238:4,8 248:20 250:2,5 251:9,18 253:15 254:8 256:7 262:7 273:23 275:9 276:2 285:8 288:10 291:2,5,16 292:15 293:9 Bersani's 129:13 Berwyn 3:3 best 7:22 34:7 38:9 59:10,16 83:16 94:21 101:18 120:23 222:14 230:15 280:9 better 58:17 95:12 280:12 beyond 72:13 102:15 biased 83:13 big 99:1,2 240:9 291:14 binder 20:12 154:16 184:6 birthday 204:23 204:23	bit 63:21 64:7 117:13 197:1 203:22 black 45:20 49:17 58:7 90:13 106:6 219:13 257:24 blackface 105:23 blah 203:12,12,12 blatant 96:23 blind 77:22 78:1 block 89:17 269:6 blocked 117:9 blown 57:2 58:18 board 11:6,9 12:5 38:23 39:9 146:5 185:16 189:6,8 190:11 191:4 194:3,9 222:21 273:9 281:14 286:13 286:13,13 287:8 287:15 board's 156:20 boat 74:9,10,15 74:16 78:4 Bobby 224:7 book 17:1 137:9 137:10,11 150:1 151:13 163:8 books 211:7,18 booth 211:23 bordering 119:22 born 92:7 bothers 222:12 bottom 44:18 281:3 bought 51:10 90:9 91:13,17 bound 164:10 165:10 166:10 167:10 168:10 169:10 170:10 171:9 172:10	173:10 174:10 175:10 176:10 177:10 178:10 179:9 180:9 181:2 box 77:17 boys 100:23 brain 211:1 bread 115:18 break 8:2,4,8 32:16 33:3,8,8 33:10 61:2 72:22 73:3 105:1,6 157:16 183:13,15 188:11,21 229:10 231:11 breakfast 79:22 79:24 82:24 111:9 144:9 Brian 240:10,12 240:15 243:16 243:18 272:22 278:20 279:10 284:18 Brief 32:19 bring 191:18 bringing 197:24 brings 89:13 broad 158:24 broke 115:18 brought 74:20 90:16 95:3 104:17 187:18 198:16 BS 213:2 buddies 30:8 building 88:8 215:14,15 218:18,19 220:9 280:12 bunch 46:18 69:3 255:6 burning 211:14
--	--	---	---	--

John Scatchell, Jr.

August 5, 2020

Page 303

bus 93:4	138:1 159:17	28:8 30:3,18	272:18 273:11	295:7 296:7
business 29:24	206:13 230:2	32:1,13 33:9,13	273:15 274:14	297:7 298:19
68:2 281:2	258:1	35:12 39:5,24	285:11 288:12	Castellan's 51:1
bust 233:9	cameras 122:7	41:10 42:3,19	290:24 291:8	89:9 282:8
buy 137:6	124:15 277:17	47:17 50:4,14	292:13 293:10	caught 181:10
C	Campanili 88:14	52:10,20 60:23	Cass 2:10 72:21	cause 298:12,24
C 1:7 2:1 3:1 6:17	candidates 95:12	62:20 63:1 66:7	72:24 128:17	cavalier 72:1
6:17,20 231:14	283:5,5	66:22 70:4	181:10 198:14	caveat 114:2
272:20 285:10	candidly 190:5	72:11 75:18	198:20	cell 124:21
291:4 294:8	capacity 119:20	76:2 77:7,10	Castellan 1:8 3:16	center 98:20
295:6 296:6	253:11	81:8 104:24	17:19 20:4	104:5 111:1
297:6 298:2,18	Caputo 12:9	107:15,19	52:18 65:21	certain 50:21
C-H-A-N-E	38:24 282:23	108:15 109:8	67:14,23 68:14	73:19,23 226:22
265:14	287:13,21 288:9	119:1 121:17	68:18 69:6 70:1	235:4,4 243:12
Cacciatore 278:2	289:6 290:4	126:11,17,21,23	70:8 71:13	271:16,19,21
Cafe 79:22 144:10	car 60:14 95:4	127:2,8,11,17	73:10 78:8,10,18	298:12
caliber 57:20	201:16 223:3,16	128:2,3,6,13,22	78:22 79:19	certainly 35:21
call 19:17 20:22	223:23	134:14 140:7	80:8,13,17 81:5	48:8 98:4
21:2 49:14	card 11:16,22	144:15 145:23	81:17,21,23 82:8	109:17 187:19
67:18 69:2 84:4	12:1,3 287:19	146:6 147:1	82:10,13 83:3,6	189:10 207:5
84:24 85:9	care 51:21 94:6	149:2 150:19	85:4,21 87:2,9	certification 91:6
91:14 96:17	103:19 108:6	152:19 153:21	87:20 88:2 89:3	certified 91:4
160:22 208:18	123:21 265:2	154:12 156:4,4	92:22 93:12,18	certify 294:11
217:15 227:6	282:3	156:21 159:1,14	96:7,22 97:6,15	298:6,21 299:8
240:20,21 241:5	career 203:15	162:15 182:2	100:2 101:8	299:11,15
241:11,16	217:16 268:24	183:11 186:16	102:5 114:3,6,12	chain 132:24
242:12,22,23	Carfax 224:1,3	186:22 187:13	114:20 130:9	133:2 223:11
243:3 244:4	Carol 51:2 89:18	187:24 188:18	131:7 134:10	chair 121:16,20
245:2,6 247:14	90:8 91:19	188:24 189:12	135:19 143:20	242:24
258:1 269:19	carried 211:8	189:21 190:5	144:4 147:13,17	challenging
271:14 276:15	carrying 76:15	194:23 195:12	148:2,9,13,18	156:19
276:16 291:14	77:16 181:21	195:22 196:7,11	197:20 222:21	chance 19:20
291:15	case 7:4,6 54:2	196:13,24 197:6	223:2,7,16,20	21:10 135:6
called 1:13 6:18	84:18 104:17	198:24 199:6,13	225:2,10,17,24	Chane 265:8,9,12
14:23 19:12	123:21 156:12	199:19 205:17	233:14 238:12	267:10 278:22
48:15 86:12	187:6,21,22	214:15 230:1	239:15 245:21	280:21
92:20 146:12	189:6,8,10,16,22	231:5,15 235:20	246:10,19,21	change 255:14
217:13 221:21	190:11 191:4	236:21 237:1,6	247:1,12,16	285:2,5 295:12
232:7 257:2	207:23 230:22	237:16 238:14	251:5 269:24	295:14,16,18,20
261:23 298:12	cases 76:16 136:9	241:20 242:5	270:5,16 271:17	295:22 296:12
calling 46:17,18	Casper 2:10 4:4,6	248:22 250:9	272:1,10,16,16	296:14,16,18,20
calls 99:1 134:18	10:11 19:4	251:2,13,20	277:5 283:16,21	296:22 297:12
135:9 136:8	20:17,24 21:6	254:1,11,12	291:21 292:23	297:14,16,18,20
	25:17 27:18	256:11 262:13	293:2 294:8	297:22

John Scatchell, Jr.
August 5, 2020

Page 304

changed 19:23 223:2 226:11 changes 281:17 281:19 295:9 296:9 297:9 charge 114:21 115:5 116:11,21 118:15 119:6 124:7 139:22 286:5 charges 30:7 39:3 100:2 115:17 146:5 191:3 222:20 223:1 266:20 chastised 9:11 check 184:13,22 294:15 cherry 92:19 chest 66:24 Chicago 2:3,8,15 3:10 chief 17:19,20,20 18:9,16,18 30:7 47:7,11 52:17,18 53:8,22 54:3,5 63:21 64:7,20 65:12,21 67:13 67:23 68:14,18 69:5,6 70:1,8 71:13 72:2 73:10 78:7,10,18 78:22 79:13,19 80:8,13,17 81:5 81:12,17,21,23 82:8,10,13,14,19 83:3,6 85:21 87:2,9,14,20 88:2,9,14 89:3,9 92:22 93:12,18 96:7 97:6,15 99:12,14 100:17 101:8 102:5 105:12 106:10	106:23 110:12 114:6,12,20 116:20,24 117:5 117:15,22 118:5 118:10,13,22 119:12,24 120:24 123:2,7 123:17,24 124:1 124:4,10,24 125:8 130:9,17 130:20 131:2,7 132:22 134:10 134:11 143:12 143:14 144:4,14 147:13,17 148:2 148:9,13,18 197:20,21 222:21 223:1,7 223:15 225:2,10 225:24 233:13 238:11 246:19 251:5 269:20,21 269:24 270:2,3,6 270:16 271:6,12 271:14,23 272:1 272:10,10,15,16 281:24 283:16 284:2 286:10,18 286:19 chief's 286:9 chiefs 113:13,18 133:23 134:4 274:22 277:10 chiefy 270:2 271:1 271:4 child 253:7 choice 76:20 choose 92:18 Chris 22:10 107:21 108:3,9 187:3,3 Christine 219:22 220:3,6 CHRISTOPHER	3:8,11 circle 105:13 266:9,10,11 267:9 circular 57:22 cite 272:4 city 194:22 Civil 6:3 civilian 47:11 98:6 claim 205:8 claimed 90:24 208:21 claims 89:16 104:15 208:17 clarification 20:18 clear 27:24 28:18 32:23 33:5,17 43:16 76:14 77:2 81:23 95:10 96:10 98:6 100:6 103:7 117:4 132:3 135:1 140:10 148:1 150:3,15 155:22 156:4 206:7 207:3 219:8 223:10 246:20 254:3 267:2 279:5 clearly 235:1 282:13 client 32:23 40:7 107:16,18 109:16,19 136:12 155:10 157:14 close 70:24 197:20 232:21 234:24 242:10 283:21 clout 217:11,13,15 217:15 co-counsel 108:16	188:3 189:1 231:8 coffee 260:9 colleague 10:11 colloquy 109:10 come 19:24 29:1 54:21 82:19,23 93:1 94:10 98:1 142:15 209:23 234:13 256:4 268:9,13 comes 65:18 103:17 230:5 comfortable 121:15 coming 104:5 120:10 242:3,7 command 132:24 133:2 commence 1:20 comment 84:10 103:9 105:14,15 142:9 comments 139:17 142:12 144:3 commission 11:16 11:22 12:1,3,6 287:19 Commissioner 12:8,9 commissioners 11:7 148:16 222:22 273:10 281:13 282:21 286:14 common 205:24 220:19 communicate 8:21 communicated 227:1 communications 38:17 compensation	205:10 competency 40:3 42:6 134:21 135:11 136:13 competent 138:2 159:20 competition 13:24 complained 240:3 240:4 complaining 195:18 218:15 237:10 239:24 243:15,16 complaint 100:8 100:11 195:17 195:21 196:3,18 complete 9:21 10:2,8 66:18 294:14 completely 46:17 49:11 complied 6:9 37:7 151:19 163:12 190:23 193:10 193:22 228:10 229:2 computer 61:23 62:4,6 78:19 112:24 118:11 118:17 299:4 computers 113:5 concerned 118:17 concerning 7:6 17:8 19:2 43:22 46:14 52:23 144:23 concerns 156:12 conclusion 134:19 135:10 136:8 138:1 159:17 206:14 condition 10:1 CONDON 2:17 conduct 17:8 19:2
---	---	---	--	--

John Scatchell, Jr.
August 5, 2020

Page 305

289:20 conducted 287:6 conducting 288:16 confer 104:20 conferences 194:11 Confidential 164:9 165:9 166:9 167:9 168:9 169:9 170:9 171:8 172:9 173:9 174:9 175:9 176:9 177:9 178:9 179:8 180:8 181:1 confirmed 224:3 confused 18:6 connotation 105:19 connotations 60:3 60:22 consecutive 212:3 consensus 55:12 208:18 consequence 278:18 conservation 31:24 32:9 38:20 consider 14:17 132:20 consideration 69:18 considered 134:13 139:5 195:10 196:15 considering 195:10 197:14 consisted 55:13 consisting 294:12 consists 38:23 constantly 257:21	contact 38:19 145:6 context 56:8 143:18 189:5 continue 109:20 129:17 130:2 248:18 continues 101:11 108:12 Continuing 76:3 contract 150:16 150:20,23 control 286:15 conversation 8:19 46:1,6,19,23 47:9,14,16 48:3 48:6,16 49:4,6 55:10 64:11,23 65:6 72:1 73:9 82:1 94:1,21 95:15 103:6 111:6,12,16 115:14 117:8,20 124:23 125:11 130:10,16,23 143:18 144:6,7 187:20 188:8 201:21 203:2,5,8 210:18 211:24 212:10,22 224:16 242:17 252:1 255:2,16 255:20,22 256:3 256:12,15,24 259:13 260:3,13 260:18 264:21 264:23 265:3,6 265:23 266:3,6 268:6 270:24 271:17 272:15 conversations 43:21,24 44:3,6 46:9,13 49:23 52:22 53:6,13,17	55:5,13,14,16,19 55:21,24 56:2,6 56:13 58:24 59:5,20 61:8 62:3,10,11,12 64:13 65:3 69:20 78:7,9 82:7 99:12,17 100:16 102:22 104:1 109:15 143:21 209:13 292:23 convicted 10:16 15:23 16:17 20:1,2 30:1,17 31:4 49:20 72:5 Cook 1:16 298:5 298:10 299:23 cool 43:2 Cooper 3:8,11 12:12,18 13:1,5 13:9 14:6 15:8 17:11 19:6 22:4 22:17,21 23:1 25:18 27:17,19 28:5,14,24 29:9 29:18 30:20 31:9 32:17,20 33:12,15,20 34:9 34:13,19 35:5 36:12 37:11,14 38:3 40:2 41:12 42:5 45:5,13 47:24 50:2 51:17 76:9,18 88:4 108:14 109:17 126:22 128:1 129:9,15 129:22 130:4 131:14 134:15 135:9 136:5 137:16,18,24 140:5,9 145:1 149:4 153:13,16	153:19,24 155:1 156:2 157:13 158:9,22 159:16 162:13 182:5 185:18 186:7 187:1,10,12 188:7 191:5 192:5,15,20 197:9,16 200:5 206:13 208:2 228:14 279:1 282:17 293:12 Cooper's 109:15 cooperlaw3234... 3:11 copies 19:14,18 202:8,12,14 copy 19:19 22:5 75:13 202:9 cordial 71:12,15 94:5 corner 77:5 Corporation 1:7 294:7 295:6 296:6 297:6 298:18 correct 15:19 39:23 89:4 132:16 133:11 133:21 134:1 146:17 181:22 211:15 222:1 270:1 275:21 286:17,20 294:13 299:5 corrections 294:17 correctly 34:24 cost 108:6 costs 108:10,11 counsel 15:6 25:16 104:24 126:17,17 147:1 153:5 156:24	186:4 187:7 190:11 196:10 299:16 country 106:21 209:18 County 1:16 298:2,5,10 299:23 couple 8:14 40:19 54:20 98:15 103:14 154:3 231:24 268:20 281:19 282:2,3 course 18:4 38:10 46:9 188:6 267:24 court 1:1 6:7,10 8:17 12:16 36:17 123:10 126:12 129:19 153:15,17 156:8 196:9,12 202:13 236:15 279:2 294:1 298:14 courteous 230:18 cover 164:11 165:11 166:11 167:11 168:11 169:11 170:11 171:10 172:11 173:11 174:11 175:11 176:11 177:11 178:11 179:10 180:10 181:3 covered 216:6 covering 122:19 CPD 17:22 created 185:7 crew 246:15,17,18 246:20 Cristina 3:15 Cross-Examina... 4:4,6,7
--	---	--	--	--

John Scatchell, Jr.

August 5, 2020

Page 306

crux 257:1 262:18	115:10 116:11	183:23 184:3	205:9 227:2	96:6 97:5,15
CSO 112:2 225:16	116:20 117:1,23	194:20 195:6	240:22 248:19	99:12,14 100:17
225:19,21,21,22	118:6 185:11	197:13 228:13	264:4,14,24	101:8 102:5
226:1 252:17	daily 134:7	229:5 275:23	depending 109:14	105:12 106:10
CSR 1:15 299:22	238:21,22 239:1	decent 10:15	depends 16:11	110:11 113:13
ctc@talonlaw.c...	239:3	decided 92:17	227:21	113:18 114:6,11
2:9	damage 58:10,14	198:3 204:7	deponent 3:12	114:19 116:19
cubicle 119:20	damaged 58:19	decides 283:2	35:9 293:14	116:23 117:5,15
Cubs 70:10 71:5	damn 102:9	decision 40:4,4	deposeth 6:19	117:21 118:4,9
71:24 73:7 82:2	date 21:15 26:13	156:20 204:9	deposit 184:14	118:13,21
272:12	27:9 73:19,21	219:19 290:9	deposition 1:12	119:11,24
cup 260:9	114:16 154:5	deck 277:7	4:11,12,13,14,15	120:24 123:1,6
current 105:24	195:4 266:17	decree 85:24 86:5	4:16,17,18,19,20	123:16,23 124:1
custom 214:12,14	dates 150:14	86:19 125:14	4:21,22,23,24	124:3,9,24 125:8
214:24 217:9,14	186:2 194:5	208:19 256:18	5:3,4,5,6,7,8,9	130:9,17,20
customs 217:10	233:23	deem 127:15	5:10,11,12,13,14	131:1,6 132:21
cut 155:2	Dave 93:3 101:20	deemed 277:5	5:15,16,17,18,19	133:23 134:4,10
	Davie 93:6,8	defendants 1:9,13	5:20,21,22,23	134:10,10
D	96:20 100:24	3:6 294:10	6:1,24 7:3 8:3	143:12,14 144:4
D 1:7 4:1 6:20	101:1 102:9	295:8 296:8	20:14 35:15	144:14 147:13
272:20 294:7	day 18:4 31:8,20	297:8 298:12,20	75:6 127:3	147:17 148:2,9
295:6 296:6	44:8 47:7 54:17	defined 136:11	146:24 153:2,3,4	148:13,18
297:6 298:18	66:14 70:18	definitely 141:8	155:8 156:11	197:20,21
dad 42:7 44:4	85:13 88:7 98:1	208:16 212:12	188:6 230:20	222:20 223:1,7
45:11,23 46:5,14	98:2 99:20	259:21	294:11,14 299:9	223:15 225:1,10
47:15 49:24	101:11 106:15	degraded 49:11	299:12,14	225:24 233:13
54:1 55:22	108:1,20 110:24	DEL 3:2	depositions 12:24	238:11 246:19
58:24 59:7 61:9	111:7,10 124:17	delayed 116:18	deputy 17:19,20	251:5 270:16
62:4,13 63:5,18	133:5 137:8	Dennis 120:14	17:20 30:7	272:9,15,16
64:6 101:10	143:1 144:10	deny 122:20	52:17,17 53:8,22	274:22 277:10
111:14 114:23	204:22 226:10	department 17:8	54:3,5 63:21	283:15 284:1
118:11,23 119:5	231:18 241:15	19:1,16 38:19	64:7,20 65:12,20	286:9,10,18
119:6,13 120:1,5	244:16 248:24	42:12 43:3	67:13,22 68:14	derelict 81:13
121:8 122:9,14	266:14 268:1,2	44:14 45:20	68:17 69:5,6	derogatory
192:13 241:9	270:23 294:21	49:16 50:19	70:1,8 71:13	138:24 139:13
244:1 245:16,19	298:7 299:21	51:24 59:17	72:1 73:10 78:7	139:21 140:3
246:11 248:12	days 220:22	63:22 65:10	78:9,18,21 79:13	141:3 142:3
252:1 254:6	227:18	66:20 71:10	79:18 80:7,13,17	218:9 249:19,23
264:16 267:17	dayshift 84:7	93:14 96:9	81:4,12,17,20,23	250:18 263:19
267:18 268:22	deal 291:14	113:14 125:15	82:8,9,12,14,19	describe 237:17
275:14,15,16,17	deceit 52:4	134:5,12 144:23	83:2,5 85:20	described 247:21
278:3,5,7,9,12	December 10:18	145:6,15 148:24	87:2,8,19 88:2	describing 236:1
278:17	11:11,19 16:23	149:13 152:9	88:13 89:2,9	descriptive 56:20
dad's 59:15	17:5 182:11	158:8,20 183:21	92:21 93:11,17	63:10

John Scatchell, Jr.

August 5, 2020

Page 307

deserve 160:24 235:2	141:15,18,24 142:2,10,12	disagreed 203:20	277:4 280:8,13	265:1 266:12
designed 196:5	143:7,22 144:2	discharge 219:19	284:13 285:15	270:13,18
desk 124:21 217:5	144:11,19	discipline 41:9,24	294:2 298:15	doors 112:13
desks 121:12	257:18,19	42:17 135:8	divisions 284:12	double 135:20
227:6	263:20	136:2,3,21,24	285:23	doubt 64:17
despite 43:4	Dino's 142:15	137:3 138:9	doctor 155:15	dozen 97:4 194:4
detail 28:20	260:22	disciplined 41:2	163:16	Dozens 238:19
detective 51:6	direct 4:3 42:21	158:8 226:20,22	doctors 69:21	Dr 155:14
detectives 90:20	79:1 132:20	226:24	152:8	drawing 18:17,20
285:18	136:22 137:15	discovery 1:12	document 20:7,15	driveway 56:4,17
determination	201:12 211:16	196:5	21:22 23:5,13,18	56:23 57:2
290:6	220:1,5 284:11	discretion 149:17	24:1,13,15,22	58:10,12
Devon 90:14,18	directed 107:11	discriminated	25:7,22 26:20	DSC00281 77:20
96:11 208:8	direction 63:23	49:13	27:3 36:21 75:1	DSC00312 181:15
209:16 221:1	65:19	discriminates	75:8 138:18	DSC00466 77:9
dies 217:16	directly 87:5	49:16	146:19 147:4	duck 74:9
difference 11:17	129:2 201:14	discrimination	149:20 150:6	dug 88:22
109:12 161:6	224:7 239:21	49:15	151:9,16 152:3	duly 6:19 298:22
214:11 262:21	243:3 262:10	discuss 59:7	152:10 163:1,9	dummy 122:24
different 8:19	director 17:19	discussed 38:1	184:17 190:15	duties 81:13
11:15 181:21	46:16 47:10	53:4,18 56:1	190:20 193:2,7	duty 89:14
194:5 211:22	53:23 54:8,13	59:6 63:20	193:14,19 198:6	dynamite 57:2
233:23 247:23	55:1 60:1 69:5	262:5	223:12 228:1,7	
differently 15:15	70:23 79:14	discussing 115:22	228:18,23	E
16:3 110:6,9	97:18,20 98:9	244:15 261:11	documentation	E 2:1,1 3:1,1 4:1,8
139:9 140:20	99:18 102:23	261:17	153:9	5:1 6:17,20,20
185:14	103:2,8 104:2	discussion 45:17	documented	231:14 272:20
differs 219:17	105:10 106:11	64:5 73:12	159:5	272:20,20
difficult 109:4	109:23 110:7,10	114:15 247:22	documents 49:1	285:10,10 291:4
Dimaio 54:1	110:16,21 111:4	280:9	198:12,15 199:1	earlier 12:10
60:11 137:2	112:8,17,20,23	discussions 63:5	200:19 202:16	103:5 105:14
142:1,2,12 143:7	113:8,22 115:3,9	63:18	doing 7:22 14:3	114:16 135:4
143:22 144:2,11	115:11 116:8,10	disk 26:4	35:23 54:24	145:20 146:3
257:18,19,23	131:11 132:22	disparate 92:20	72:7,9,9 88:9	194:2 208:5
258:6,13 259:2	134:11 140:11	226:18	91:7,8 94:13	239:7 275:13
261:7,15,23	143:23 149:17	display 57:19	119:17 122:10	early 105:23
263:7,10,20	160:15 203:20	distorted 244:14	135:4 161:3	125:7 232:2
Dimaio's 135:17	222:9 238:12	District 1:1,1	183:8 192:24	244:5 252:21
161:16	284:6,21 286:19	294:1,2 298:14	223:7 230:15	260:23,24
Dino 54:1 60:11	dirty 97:4 197:24	298:14	254:11 271:2	earth 224:24
111:9 124:17,24	dis- 137:1	distrust 106:21	289:13	Eastern 1:2 294:2
125:11 130:10	disability 91:1	division 1:2 82:20	Donna 51:10	298:15
130:17 141:9,13	disagree 196:20	118:16 124:8	door 58:5 103:16	easy 163:6
		273:22 274:6,9	104:9,10,16	EEOC 114:21,23

John Scatchell, Jr.
August 5, 2020

Page 308

115:5,10 116:11 116:13,21 139:22 effect 70:16 150:13 219:12 264:15 268:7 Eh 18:4 44:23 either 44:17 92:4 115:24 135:21 144:8 157:8 216:16 219:22 231:4 232:19,21 234:21 235:6 258:11 262:16 267:21 277:5 289:3 elbow 60:15 election 235:5 Elmwood 197:15 emphasize 189:16 employed 10:18 13:13 19:15 28:13 29:23 30:16 31:3 92:10 148:23 employment 27:16 28:1,1 30:10 194:16 196:15 217:22 219:16 Empty 160:20 enacted 66:11,12 encounters 257:24 ended 161:16 enemies 246:7 250:22 enforcement 70:14 71:9 145:7 257:4 engage 210:4 engaged 209:16 222:6 engaging 237:24	enjoying 62:24 entertained 197:19 200:18 entire 45:18 59:14 61:20 93:14 96:9 108:7 119:7 137:7 233:3,7 234:3 entirely 154:20 entities 196:16 entitled 196:6 errata 294:16 295:1 296:1 297:1 especially 20:4 133:4 197:22 244:14 248:2 283:10 Espinosa 208:12 213:7 221:1 Esposito 12:8 38:24 282:22 287:13,22 288:9 289:6 290:5 establish 36:1 48:15 established 32:14 estimate 233:24 euphemisms 106:17 evening 40:21 260:11 events 223:11 261:19 everybody 9:9,17 44:7,9,11 65:17 67:18 68:21 71:17 84:5,6,7 86:2,8 90:6 96:10,11 113:5 119:16 121:5 209:20 217:11 226:10 227:1 233:8 245:3	267:16 271:3 289:17 everybody's 59:16 127:14 129:3 evidence 32:22 35:8 36:10 37:18 57:23 96:23 223:18 224:22 238:9 evident 224:2 ex 69:20 exact 61:3 86:11 125:11 154:5 197:22 205:20 226:17 247:20 263:13 exactly 49:1 84:20 85:20 91:2 98:18 112:7 120:23 135:1 203:5 217:6 223:11 225:17 276:20 examination 1:14 4:3,5 252:22 example 140:11 154:15 157:3 207:16 227:4 270:11 271:17 286:6 exasperate 58:16 exchange 124:17 exciting 291:11 excuse 35:13 102:10 107:4 126:23 128:13 excused 293:13 exemption 208:19 exercise 154:9 155:11 exercised 207:8 exercising 205:15 220:17 exhibit 4:11,12,13	4:14,15,16,17,18 4:19,20,21,22,23 4:24 5:3,4,5,6,7 5:8,9,10,11,12 5:13,14,15,16,17 5:18,19,20,21,22 5:23 20:8,14 21:11,23 22:3 23:4,19,23 24:16 24:19 25:8,11,12 25:14,20 26:21 26:24 36:22 37:3,6 75:2,6,15 75:24 76:8,15 77:3 146:20,24 147:7 149:21 150:2,4 151:10 151:14,15,21 152:4,7 153:12 153:21 154:15 154:17 157:4 163:2,8 184:7,18 184:21 190:12 190:16,19 191:19 193:3,6 193:12,15,18,24 198:7,10,11 199:24 200:4,22 201:3 228:2,5,19 228:22 229:4 exhibits 20:19 21:7 154:23 exist 188:2 190:3 existence 190:7 exists 205:23 exits 205:21 expand 108:4 expect 219:7 226:20 expensive 108:2 experience 11:3 160:24 explain 115:12 249:23	explained 201:17 explaining 144:5 explosion 56:17 57:11,12 81:7 explosive 56:4 expound 61:11 express 207:7 extent 36:8 37:17 134:6 230:2 extra 30:9 extrapolate 144:8 211:2 extrapolated 279:6 eyes 60:1,4,6,9,21 105:14 106:16
F				
F-E-I-E-R-E-I-... 155:23 F-O-G-G 265:14 face 93:15 96:23 98:21 160:8 212:17 224:23 face-to-face 82:1 Facebook 122:12 fact 14:17 55:8 59:13 80:23 156:5 190:13 218:20 222:10 240:1 243:5 285:2 facts 32:14,21 35:7 36:9 37:18 238:8 248:4 283:1,15 284:1,5 fail 283:10 failed 283:6,7 fair 7:23,24 25:14 63:13,13 117:14 135:3 140:15 211:14 fairly 10:15 130:18				

John Scatchell, Jr.
August 5, 2020

Page 309

fall 16:1,20 74:1,4 74:8 183:19 275:23,24	250:20 251:7,23 253:3 254:20 255:1,17,19,19 256:4,13,14,20 268:14 275:4,7 277:8 279:6 280:17,22 291:6 291:18 292:1,11 292:20 293:6	28:14,16 29:5,11 29:13,18,20 30:21,24 31:5 32:4,4,11,12,24 34:10,12,14,20 34:22 35:4,11 36:2 38:2,9,14 38:21 40:20,23 41:3,14 74:3,7 74:11,13,18,22 75:21 76:1,12,17 76:21 77:15,18 77:23 78:2,5 87:22,24 145:8 145:10,11,13,18 145:22 146:14 146:18 147:8,11 147:15,20,22,24 148:8,12,17,21 151:2,5,8,22 152:2,13,18 153:7 154:10,22 155:5,16,21 156:1,6 157:7 158:1,5 162:23 163:18 181:17 181:20,23 182:5 182:7 183:10,22 184:1,5,11,16 185:1,5,9 186:15 186:24 193:13 194:1,8,13,18 228:15,17 229:6 231:20	find 283:9 fine 33:11 188:16 188:17 finish 9:4,6 60:5 68:16 97:22 98:4 127:4,9,12 199:18 210:15 233:4 235:13 238:23 241:14 finished 47:12,13 finishes 292:17 fire 11:6 12:5 51:24 115:13 210:10 222:21 237:22 256:16 273:9 286:14 fired 49:18 90:13 90:18 208:9,13 209:19,21 215:17 217:23 217:24 218:7,13 219:1 227:19 firefighter 86:13 212:18,20 fireman 86:9 212:7,16,18 firemen 102:20 firework 57:19 fireworks 56:3,17 firing 13:20 92:17 firm 10:21 292:5 first 6:18 48:18 75:15,24 88:1 94:4 160:15 184:7 190:2,6 205:16,24 206:10,15,19 207:8 209:3,16 210:3 213:8,19 215:2 216:7 220:17 222:6 240:10 242:24 249:6,12,15 262:4 267:3	275:5 281:11,20 298:22 firsthand 209:9 209:15 218:4,24 223:6 224:4,11 226:3 five 44:20 91:5 116:16,17 132:5 132:15 215:3 229:7 280:4 282:11,13 289:17,19,21,23 fled 90:22 97:12 floor 51:14 59:22 72:20 Flores 278:4 focus 216:21 focusing 78:8 Fogg 265:10,12 267:10,21 278:22 280:21 follow 7:9 17:14 269:19 follow-up 58:1 232:1 followed 19:8 262:10 following 73:3 105:6 157:16 188:21 229:10 231:11 295:9,10 296:9,10 297:9 297:10 follows 6:19 food 137:6 football 106:1 FOP 71:18 133:15 133:20 141:17 150:5 204:7,10 261:16 263:2 275:20 277:2 force 106:7,19,22 forced 17:21,21 96:13 207:18,24
familiar 14:5,13 14:14,15,22 15:22 27:11 41:16 131:21 155:23 182:14 182:19,22	father's 65:22,23 78:23 79:20 82:14 105:11 109:24 111:5 112:24 113:9,23 114:13 124:1 138:24 139:14 140:3 141:4 142:4,13 143:9 144:13 229:16			
family 14:16 51:8 96:2	father 14:18 41:24 42:16,24 43:12 43:16,22 44:1,7 44:9,17 45:19 46:24 49:5 52:23 53:7 55:6 55:16 56:3 60:4 60:10 65:1,5 66:11,13 67:24 68:19 69:14 70:2,9,13,17,24 71:22 78:19 79:3 80:9 81:22 103:6 105:16,17 110:2,11 111:9 112:18 113:4 114:21 115:4 118:14 120:17 139:22 141:19 141:21 142:16 207:15 217:7 221:24 232:17 232:22 235:3 247:1 249:19	favor 86:13 February 151:3 267:6,8 federal 6:2 85:24 86:5,19 125:14 feel 9:11 229:23 feet 58:15,22 148:5 237:21 Feiereisel 155:18 fellow 238:15 257:13 felon 15:23 30:1 30:17 31:4 49:20 felons 20:1,3 72:5 felony 10:16 16:17 felt 135:22 280:11 female 86:13 259:24 260:1 fences 71:19 field 77:21 106:2 Fifth 14:8,24 15:2 15:14,21,24 16:9 16:18,22 17:3,6 17:10 18:11	fight 105:22 251:1 figure 280:15 file 205:8 285:19 filed 114:23 116:13 185:21 191:3 222:20 254:14,16,17 255:24 filing 114:21 115:4 139:22	

John Scatchell, Jr.
August 5, 2020

Page 310

208:8,11 210:21 foregoing 294:11 299:5 forever 107:14 forget 86:10,11 210:23 forgetting 216:2 forgive 86:11 232:5 forgot 181:11 form 25:21 27:18 28:6 30:4 31:10 32:2 39:6 41:11 47:18 100:9,11 119:2 134:14 144:16 149:3,5 158:23 159:15 186:17 253:16 290:2 formal 195:8 former 59:10 forms 26:6 30:10 forward 197:1 found 63:24 197:19 226:10 foundation 17:23 19:5 30:4 32:2 39:6 40:1 41:11 42:4 48:15 50:15 66:8 71:12 75:19 76:4 121:18 124:19 186:17 214:16 236:19 238:5 248:21 250:8 253:16 254:9 256:8 262:8 264:20 273:12 288:11 founding 232:15 four 46:10 48:24 64:14 116:15,17 139:16 140:18 258:3 289:22	Fowler 2:16 4:3,5 6:1,21 12:20 13:3,7,10,11 14:12 15:6,9 18:1 19:10 20:10,22 21:4,8 21:9 22:1,9,19 22:23 23:2,9,21 24:5,18 25:3,10 25:16,19 26:5,23 27:8,23 28:11,17 29:7,14,21 30:12 31:1,14,21 32:6 33:7,16,23 34:15 34:23 35:21 36:7,18 37:1,9 37:13,15 38:11 38:15 39:10,13 39:20 40:17 41:15 42:14,23 44:24 45:10,21 47:21 48:7 50:5 51:12 52:1,21 61:5 63:3 67:1,4 67:21 69:19 70:6 72:18,23 73:6 75:4,12,22 76:6,13 77:1,8 77:11 81:15 83:18 84:9 88:10 105:4,9 108:3,9 109:5,11 109:21 119:10 121:19 125:24 126:10 129:21 130:1,7,12,14 131:20 134:23 135:13 136:17 137:21 138:14 140:14,16 144:21 145:4 146:2,8,22 147:3 147:6 149:8,23 150:11,22	151:12,20 152:6 152:14 154:12 155:13 157:19 157:21 158:18 159:2 160:1 162:19 163:4,13 181:9,12 182:3,8 183:18 184:20 186:1,11,19 187:3,11,19 188:4,9,13,16 189:7,19,23 190:8,18 191:1 191:11,17,22 192:11,19,23 193:5,11,17,23 195:5,16 196:4 196:19 197:4,10 198:2,9,14,19 199:2,9,17,22 200:9 202:3,18 202:24 203:1 205:22 206:22 208:23 214:21 215:23 228:4,11 228:21 229:3,7 229:13 230:3,22 231:9 239:7 252:22 254:24 272:21 274:4,19 275:11 276:4 279:8 282:19 285:6 293:11 fragments 57:17 frankly 156:23 frayed 57:19 free 206:19 210:5 218:12 frequently 257:22 friend 14:16 51:1 59:10 89:10,11 222:14 250:20 277:5 280:16 friendly 271:3	friends 44:16,17 52:18 83:9 97:1 197:20 227:21 234:24,24 236:6 236:11 245:16 245:19 247:2 280:9 283:18 friendship 237:20 front 96:24 148:15 150:1 151:13 223:13 223:14 239:14 239:19 fuck 103:16 fucking 47:7 59:11 259:8 full 149:14 fun 14:1 funny 50:18 further 102:14 153:11 203:21 285:9 293:14 298:21 299:8,11 299:15 <hr/> G <hr/> G-A-R-R-I-T-Y 153:16 GADO 3:2 gained 162:22 game 70:10,14 71:5,9,24 73:8 73:14 82:2 94:5 201:18 272:12 games 227:7 garage 270:14,19 Garrity 35:17,18 145:21 146:17 153:14,16,20 154:7,8 Gary 49:19,20 52:16 gather 199:16,19 geese 181:22	Gene 278:2 general 8:6 generally 13:23 14:4 181:24 generous 148:24 149:5,11 genitalia 215:16 gentlemanly 108:22 gentlemen 287:15 George 11:16 287:19 Gepetta 71:21 204:18 283:20 getting 44:8 60:8 82:21 197:2 242:13 266:16 gia@lawfirm.gs 2:4 Gianna 2:2,5 185:16 186:12 186:18,20 191:24 192:12 192:16,18 gift 95:3,9 gifts 89:13 Gil 208:12 213:7 221:1 gist 236:5 give 6:11 7:4,16 9:21 10:2,7 12:2 17:22 18:22 19:21 22:23 32:18 83:17 84:13 105:2 135:6 247:4 266:23 292:5 given 8:12 24:13 34:1 54:5 81:12 85:12 114:14 115:17 146:17 204:9,17 221:20 280:15 294:12 294:14 299:1,6
---	--	---	--	---

John Scatchell, Jr.
August 5, 2020

Page 311

<p>glad 181:10 glance 198:11 glanced 199:24 Glen 51:2 90:7 92:4 go 8:3 12:4 16:13 16:20 17:4 18:21 19:19,21 22:6 23:1 34:19 36:3 41:12 44:19 50:12 51:16 57:13 60:12,19,23 65:19 71:24 76:11 82:5 90:10 91:15 92:13 97:23 101:16 102:14 107:24 118:2 122:8 130:6 132:11,23 137:17 144:10 160:16 163:7 184:3 188:14 195:1 197:1 201:19 202:21 204:6 208:4 216:3 219:6 231:22 244:5 248:5 250:3,4,4 255:15 256:10 266:21 268:23 281:10 285:24 287:9 290:22 291:9,9 God 6:13 55:2 85:15 122:6 128:8,10 goes 40:3 44:13 62:23 138:10 229:20 256:16 290:6,20 going 8:3 9:8 13:2 14:8,9 15:2,10</p>	<p>15:17 16:4,9 17:13 18:13 20:20 22:7 32:10 35:3,12 36:2 37:23 38:7 44:21 56:19 60:5 61:17,22 63:23 64:10 69:8 72:15 73:18 76:11 78:13 82:18,19 82:23 84:2 106:20 107:13 108:1,4,12 109:2 109:2 112:14 120:17 122:9,22 122:23 128:20 129:16,22,23 130:1 132:23 134:17 143:12 160:9 161:20 162:9 182:20 186:16 187:8 196:22 197:23 197:23 202:19 202:20 203:23 231:22 236:18 237:21,22,24 243:20 244:15 246:23 247:22 247:24 252:12 259:8 263:13 264:19 270:20 270:21 278:14 279:19 280:1 289:12,14,15 gold 252:13 good 9:13 10:12 10:13 43:4 51:21 52:18 71:16 83:9 90:15,15 108:16 160:9 183:17 231:16 283:22</p>	<p>289:10 Google 89:23 90:1 90:2,10 91:23 95:20 goose 181:24 182:4 grabbed 71:20 grade 253:20 grandfather 115:7 115:10,12,24 183:24 184:4 greater 207:20 Greg 224:21 grew 92:8 104:14 255:12 grievance 48:18 131:8,13 132:2 254:14,16,17 255:24 grievances 44:5 45:12,23 46:10 46:15 50:1 104:19 131:3 198:22 200:10 200:12,17,21 201:15 203:19 204:3,13,21 205:3 ground 7:9 104:13,13 group 3:2 67:16 79:22 250:20 groups 74:5 growl 182:20 guarantee 252:12 guess 57:4 71:15 105:19 219:14 242:2 246:5 290:3 guessing 209:11 Guide 14:23 15:4 15:12,18 gun 54:18 66:12 66:14 76:16</p>	<p>guy 43:2 58:1 82:18 93:22 95:1,11 98:21,22 99:1,2 125:17 213:2,2,3 224:14 227:17 256:6 281:1 283:9 guys 19:17 30:6 54:22 65:10,11 69:2,3,13,17 72:4,7 90:13,16 90:17 91:6 92:12 108:5 120:10,12,16 122:23 143:11 143:13,14 162:2 182:19 188:12 208:7,9,11 209:19,21 226:7 233:10 234:10 234:10,22 245:9 248:1 266:10 284:9 291:19,20 291:22</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>H 4:8 5:1 6:17,17 92:7 H-I-L-G-E-N 101:5 half 57:3,18 194:4 hallway 252:16 270:24 hallways 54:16 120:2,8 hand 6:8 13:18 66:24 299:20 handed 20:11 handing 75:5 hands 276:17 handwriting 23:12 hang 30:3 44:19 72:11 77:7</p>	<p>187:4 199:6,7 236:8,12 250:2 292:16,16 hanging 253:19 happen 50:18 72:2 120:4 262:3 happened 34:18 36:5 56:16,21 71:19 86:15 116:14 202:8 216:16 217:9 224:21 279:15 279:17 280:5,20 happening 72:4 happens 9:9 281:5 happy 115:1,2 202:23 hard 195:13 283:9 Harlem 3:3 Harlo 210:8 212:1 212:2 Harpo 51:21 52:13,15 89:6,7 hated 125:11 he'll 67:16,17 241:8 head 8:21,22 28:21 50:9 128:6 159:8 201:1,8 220:3,7 263:21 hear 7:11 28:18 52:5 67:22 68:4 68:14,17 70:7 78:17,21 79:18 79:24 80:7,13 84:8,24 85:20 100:3 101:16 111:22 112:7,14 113:17,20 114:24 116:18 123:16 127:3 143:22 144:2,11</p>
--	--	--	---	---

John Scatchell, Jr.
August 5, 2020

Page 312

153:18 196:10 218:21 233:13 233:17,20 234:1 238:17,20 239:1 239:4,18,23 240:15 243:18 244:7,18 245:5 245:23 246:9 247:1,11,15 248:15,18 251:6 252:7,19,24 253:10,22 254:3 254:19 257:6 258:12 259:1 261:23 263:9 264:9 266:3,6 267:14 268:7 272:9 284:16 heard 7:20 41:7 57:10,11 65:20 68:1,7,12 69:24 78:9,12 80:17 81:4,17,20 82:12 83:2,5 84:7 85:11 87:2,8 103:1,8 105:10 105:17 109:23 110:2,10,15,20 111:3 112:2,11 112:16,22 113:7 113:21 114:11 114:19 115:3 116:7,10,17,19 116:23 117:15 117:21 118:4,9 118:21 119:11 119:24 120:2 123:1,6,23 124:3 124:9 131:1,6,11 131:24 132:14 138:22 139:11 139:19 140:1 141:1,12,13 142:2,11,14,18	142:20 147:16 190:2,4,6 203:22 203:24 218:17 225:1,4 232:24 240:8,10,18 241:16 242:11 242:16 243:20 246:12 247:5 249:12,15 251:15,22 252:22 253:1,6 253:14 257:22 258:6 260:22 261:14,15 263:7 263:17,17,18 265:7 267:2 268:4,22 269:9 269:23 272:13 284:21 285:4 291:6,17,24 293:5 hearing 39:21 110:3 113:2 130:9 132:9 146:4,16 147:12 147:16 194:3 211:10 248:9 249:7 260:20 261:3,9 262:22 263:4 274:11 hearings 38:22 39:2 98:20 194:9 hears 67:18 84:5 heated 124:17 130:18 held 73:4 105:7 157:17 188:22 229:11 231:12 240:21 241:12 241:16 271:10 hell 61:22 255:7 help 6:13 85:15 117:12	helpful 21:1 helping 203:11 helps 76:9 150:20 heretofore 298:6 hereunto 299:20 HERVAS 2:17 hey 12:12 87:13 88:8 94:11,14 96:17 233:10 234:19 271:1 hi/bye 117:18 hid 277:12 high 104:11 higher 279:20 Hilgenberg 93:4 101:2,3,10,12,20 102:6 hire 49:19 hired 11:6,10,20 17:20 86:9 249:10 287:17 287:18,23 Hock 197:21 hold 136:6 228:14 235:17 hole 59:11 80:12 80:15,18,24 111:8,14 112:10 119:16,17 120:1 120:3,6 121:2 221:13 homeowner's 208:19 Homer 51:2 90:6 92:4 Homewood-Flo... 90:7 92:3,5 honestly 147:19 hour 137:7 hours 68:3 242:6 260:11 house 51:10 57:5 90:9,12 91:13,18 92:13,14,15	115:19 208:20 208:21 209:23 214:1 253:7 254:22 255:17 how's 87:14 88:8 94:13,14 271:1,1 HR 220:3,7 Hubbard 2:2 huh 54:24 55:1 huh-huh 8:22 human 49:12 hundreds 97:20 hunted 77:22 88:23 hunting 14:2 16:20 17:5 31:4 31:23 74:2,5,9 74:19 184:3,14 184:23 264:10 hype 67:20 hypothesizing 114:8 hypothetical 46:8 <hr/> I <hr/> IDecoyem 14:23 15:4,12,18 identification 4:9 5:2 20:9 21:24 23:20 24:17 25:9 26:22 36:23 75:3 146:21 149:22 151:11 152:5 163:3 184:19 190:17 193:4,16 198:8 228:3,20 identifying 186:3 ignore 112:14 ignored 96:23 IL 299:23 Illinois 1:1,7,17 1:18 2:3,8,15,19 3:3,10 205:9	294:2,7 295:5 296:5 297:5 298:1,6,10,11,15 298:17 299:23 image 76:22 77:16 77:21 immediate 242:20 implicate 269:17 implies 192:10 implying 128:11 128:12,14 important 7:8 9:2 Impossible 53:14 impressions 55:1 inactive 162:21 inadvertency 189:17 inches 104:12,13 242:18,18 244:12 incident 32:8 35:3 35:7 37:19,24 38:4 55:17 56:3 81:6,18,22 110:17,22 123:3 123:8 224:5 225:3 226:4 incidents 251:22 inclined 26:17 73:17 include 258:9 included 74:5 198:12 200:22 201:3 including 56:9 69:19 146:11 inclusive 294:13 indicated 14:7 indicating 104:12 indicted 90:22 91:2 indictment 97:13 individual 75:23 261:14
--	--	--	--	--

John Scatchell, Jr.
August 5, 2020

Page 313

individuals 140:22 220:12 220:13,24 235:8 243:9 287:9,10 288:4,8,16	intimidating 69:7 investigated 102:13 investigation 81:12 investigations 145:17 invited 79:4 92:13 92:14 119:5 209:8 213:24 invocation 154:22 157:7 invoke 14:24 15:2 invoking 145:13 involved 29:24 61:14,14 234:22 involves 70:23 involving 55:17 78:7 81:22 89:9 irate 49:9 53:24 54:9,14 ironic 106:3 issue 89:9 135:12 136:10 137:4,19 153:11 161:5 187:17 226:17 256:1 issued 136:23 issues 156:15 204:21 225:11 225:15 231:21 Italy 90:22 Itasca 2:19	Jarecki 240:10,12 240:15 241:6,16 242:15 243:16 243:19 244:8 245:7 273:19 274:5 278:20 279:10 284:18 Jarecki's 244:19 272:22 Jeep 223:16 225:5 Jeff 12:12 14:7 18:23 20:18 22:4 38:7 44:21 48:4 59:22 64:13 72:21 75:11 76:18 96:13 98:3,6 101:19 129:16 140:10 155:2 185:18 189:1 191:14 208:7 209:2 220:24 231:6 275:10 278:13 Jeffrey 2:16 61:4 jeffrey.fowler@... 2:16 Jennifer 215:12 217:2,19 218:10 218:15 219:20 221:3 Jerry 51:5 90:20 90:21,23 95:18 96:7 97:11 98:10 99:8,13,21 102:16 104:6 208:16 214:4 Jimmy 218:5 221:3 job 10:22 29:17 51:22 56:10 72:10 88:7 94:4 114:10 119:20 160:18 195:8	213:21 217:4 264:17 267:15 267:17 268:23 282:7 Joe 279:10,17,19 Joey 269:8 John 1:3,13 3:15 4:2 6:23 14:10 43:17 69:10,11 128:22,22 129:9 129:9,9,15,15 130:5 147:10 153:1 156:12,14 156:19 195:19 196:14 243:22 264:16 278:24 280:6,14 284:16 294:3,19 295:2 296:2 297:2 298:11,15,22 Johnny 59:10 70:16 80:24 87:13 94:10,13 221:11,18 222:5 268:14 271:4 278:6 Join 28:8 50:4 159:1 Jojetta 111:20 joke 128:16,17,19 joking 234:15,18 jon 74:9 Jr 4:2 147:10 153:1 156:19 195:19 196:14 225:18 298:11 Jr.'s 156:14 Juan 96:13 208:7 209:2 221:1 judge 108:13 109:3 156:18 July 225:19 jump 128:20 June 25:5 184:10	Junior 20:8 21:3,7 21:11,23 22:2 23:19,22 24:16 25:8,14 26:21 36:22 75:2 146:20,23 149:21 150:2 151:10,15 152:4 163:2,7 184:18 190:16 193:3,15 198:7 228:2,19
				K
				K 298:2 keep 65:16 129:4 231:18 260:9 289:14 keys 226:12 kid 49:19 51:22 54:18 253:20 kidding 49:19 kind 8:16,22 9:1 56:4 81:7 106:3 106:8 117:20 128:15 143:23 144:3 159:11,12 214:23 226:12 233:8 236:4 245:9 252:13 257:4 269:1,2 273:14 289:12 289:16 kinds 247:16 289:7 knew 86:8 87:20 88:17 89:3,6 90:6 92:22 93:1 93:2,12,15 94:5 96:7,9 100:4,6,7 102:8 113:6 182:24 183:1,5 186:20 204:10 225:20 272:16 know 7:5,12,16

John Scatchell, Jr.
August 5, 2020

Page 314

8:2,4 12:19	231:5,17 234:9	130:24 131:3,8	261:24 263:10	Leonard 58:5
44:13,21 45:24	234:11 236:13	131:12 132:1	263:19	Leoni 11:16
48:21 50:11,14	241:11 243:8	140:4 141:4,14	Lavalais's 44:4	287:19
50:19,20,21	246:12 253:23	142:4,13 143:9	45:12,23 46:14	let's 31:6 49:14
53:18 54:8,21,23	254:24 257:3,14	144:13 235:4	49:24 87:1	96:17 130:5
56:1,8 58:3	268:14,20 269:6	248:13 253:4	131:3,8,12 132:1	149:24 160:22
60:17 61:13	274:8 275:3,6	254:5,17 255:6	law 2:2,7 3:2,8	163:5 208:1,11
63:16 64:24	276:8,21 277:20	255:23 256:17	10:21 70:14	229:7 280:3
65:15 67:14	277:24 280:1,7	256:17 257:2	71:9 145:7	letter 219:11
68:15,20 71:17	283:12 284:4,8	258:14 259:3,5	191:24 257:4	letters 203:11
80:5 84:14,20	284:10 287:7,10	261:12 262:11	lawn 208:15	License 299:23
86:4,14 89:17,21	288:13,20,23	262:19 263:18	lawsuit 43:19	lie 89:17
89:24 91:22	289:11 290:12	Kyll's 46:10 48:18	45:18 215:9	Lies 89:18
92:2,6,9,21 93:7	292:2	219:13 259:6	216:13,20	lieutenant 54:6
93:11,17 95:18	knowledge 42:21	261:2,17 262:4	229:16	119:6 133:5
96:6 98:14,16,23	51:15 79:1	Kyra 108:17	lawyers 7:4	135:16 138:16
98:24 99:1	89:22 115:8	182:22 183:20	lay 71:11 124:19	161:16 223:21
100:7,13 103:21	138:6 204:15	Kyra's 109:13	264:19	223:22 243:15
106:14 108:15	205:13 209:10		lead 196:5,8 283:1	243:17 258:22
112:4 115:18,23	209:15 211:16	<hr/> L <hr/>	learned 64:4	258:23 264:3,5
117:11 118:19	214:24 216:16	L 6:17,17	255:23	279:20,21 280:2
119:4 120:13,22	216:24 218:4,14	Labor 205:9	leather 121:20	285:20
122:13 123:9	218:24 220:14	lack 236:19 238:5	leather-ish 121:16	lieutenants 79:11
124:13 125:7,11	221:8 223:6	248:21 250:7	leave 42:2,18	132:21 133:18
125:12 127:23	224:5,12 225:14	253:16 256:8	43:13 121:13	134:5 135:7
129:14 130:23	226:3 274:12	262:7 288:10	122:6 148:24	136:1,20,23
133:17 134:16	281:2	ladder 50:22	151:1 162:12	137:4,22 239:24
135:14 136:19	known 104:11	laid 212:2	217:21,23	243:10,13
138:4 148:5	271:6	LANER 2:13	264:10 266:13	life 243:21
154:23 155:4,7	knows 96:10,11	language 47:8	leaves 103:16	Life-long 14:16
155:19 159:5	99:22 102:21	102:10 257:5	led 199:23	likable 95:11
160:8 161:2,8	106:13 121:4,5	large 121:10	left 23:13 47:5	likes 244:5
185:23,24 186:7	122:6 125:15	late 137:5,8 158:3	99:15 100:19	likewise 9:5
191:5 200:13	136:15 185:19	183:7 254:15	161:20 227:6	liking 122:11
202:11 204:16	192:6	laundry 197:24	239:8 254:6	limiting 156:8
205:21,23	Kyll 43:22 44:1,4	Lavalais 43:22	left-handed 14:1	line 18:17,21 24:7
207:13 209:21	44:8 45:12,23	44:1 87:4,10	legal 86:12 125:14	24:21 26:10
210:11 211:15	46:14 49:10,24	102:23 103:3,10	134:19 135:10	27:2 35:19
211:17 212:14	84:1,19 85:22	124:11 125:9	136:8 137:19	147:9 151:24
214:13 216:1	86:5 87:1,3,5,9	130:21 140:4	138:1 159:17	203:15 212:3
217:5,6 219:2,4	102:23 103:3,9	141:4 142:4,13	206:14	295:11,13,15,17
219:24 220:6,8	103:15 120:19	143:9 144:13	legitimate 155:10	295:19,21
222:5,16 225:4	124:11,18 125:9	255:24 257:7	lemon 224:15	296:11,13,15,17
226:14 227:15	125:11 130:21	258:14 261:7,24	Lenny 96:15,17	296:19,21

John Scatchell, Jr.
August 5, 2020

Page 315

297:11,13,15,17 297:19,21 lines 27:7 247:13 linger 112:12 list 44:18 102:7 215:6 280:24 281:3,7 282:16 283:3,4,17 284:3 284:7 285:24 286:2,24 288:18 290:6 listen 101:14 108:24 112:13 162:1 listened 162:4 literally 252:14 little 17:22 18:6 51:21 56:20 63:21 64:7 71:11 72:8 94:8 117:13 119:20 160:24 197:1 203:22 244:13 live 51:2,6,8 83:9 83:10 86:1,5,18 89:15 96:3,20 98:22,22 102:8 208:15,17 214:5 256:18 lived 86:3 90:6 92:2,9 93:3,5,13 93:23 94:18 95:1 96:15,18 97:6 102:9 209:6,20,22 213:11 214:1 lives 50:20 86:2 89:16,18 livid 82:17 living 50:23 84:1 93:4 LLC 2:7 3:2 locked 60:16 Lockton 125:7	208:12 210:4,12 211:3 212:23 221:1 283:7 Lodge 150:5 long 8:2 12:7 76:16 87:21 96:16 101:23 231:17 248:17 248:23 252:20 253:13 255:4 287:14 longer 154:7 231:18 look 20:13 22:2 23:22 24:19 25:11,20 26:9,24 37:2 69:9 75:14 76:7 77:3,19 89:22 90:2,10 94:11 99:15 100:9,11 122:21 125:18 146:23 150:1 151:14 152:7 181:13 184:6,12,21 187:16 190:12 190:19 191:12 193:6,18 200:14 200:15,17 202:15 207:15 207:18 227:16 228:5,22 232:19 283:4,4,5 looked 57:17 76:23 90:1 100:12 183:5 198:11 223:24 looking 23:3 150:15 191:23 Looks 27:11 Lori 1:15 31:15 298:4 299:22 lost 216:13,14 lot 50:19 66:19	71:14 82:3 83:8 95:12 99:21 100:12 111:22 111:23 142:8,24 143:1 242:23 253:2 260:6 264:23,24 265:4 269:15 lots 252:18 loud 56:23 57:10 57:11 67:18 84:4 85:1 love 248:2 loving 62:18 lower 23:13 77:4 151:7 181:14 loyal 235:3 Luis 278:4 lunch 111:21 lungs 252:15 <hr/> M <hr/> M 6:20 231:14 272:20 285:10 291:4 M-80 57:3,18,20 57:23 81:7 110:22 123:3 M-A-C 246:22 M-E-N-O-L-A-... 279:4 MAC 246:12,14 246:21 247:8 249:14 250:22 mad 103:15 Madison 2:7 Maiello 26:4 66:13 258:22,23 263:23 264:9 mail 103:12 252:17 making 54:22 Male 259:24 man 67:20 251:7	251:10 manager 134:13 138:22 139:5,12 139:20 140:2 141:2 159:12 160:5 managers 134:4 Manzel 51:5 90:20,21,23 95:18 96:7,14 97:6,11,15 98:10 99:9,13 102:16 124:8 208:16 214:4 Mario 215:6 216:5 221:4,4,6 mark 125:7 201:11 208:12 210:4,12,13,20 211:3 212:6 221:1,2 260:8 283:7 marked 4:9 5:1 20:7 21:22 23:18 24:15 25:7 26:20 36:21 75:1,5 77:4,20 146:19 149:20 151:9 152:3 163:1 181:15 184:17 190:15 193:2,14 198:6 228:1,18 marks 22:15 matter 103:18 155:4 156:17 226:24 291:15 matters 22:10 mayor 53:22 64:9 88:13 99:3 131:21,24 132:4 132:13 140:19 210:8 213:4 215:9 216:9,9,13	218:8 219:22 220:3,4 244:5 283:2 288:2,3 290:13 mayor's 216:18 218:7 Maywood 195:11 mbersani@hcb... 2:20 McMillan 215:13 217:2,20 218:15 219:20 221:3 mean 43:8 54:19 57:21 61:19 62:1 63:10 82:6 83:8,11 97:24 107:22 113:15 117:10 133:4 135:15 138:6 188:4 191:8 192:9 197:7 203:18 208:7,11 216:2 220:1 235:6,7 243:22 244:4,9 246:2 249:22 251:1 255:9 269:1,15 277:16 284:9 285:16 290:18 meaning 161:7 212:18 means 44:16 62:2 73:16 214:14 235:12 299:2 meant 234:23 measure 53:14 medical 9:24 153:8 156:14,15 157:3 medication 9:19 meet 104:20 270:19 meeting 61:18,22 122:14 141:11
--	--	---	---	---

John Scatchell, Jr.
August 5, 2020

Page 316

141:13,17,19,21 141:21 253:3 259:5 261:6,13 261:16,19,20 262:4,5,12,14,17 262:17,22,24 263:2 277:21 279:22 meetings 61:10,11 61:15,16 78:23 79:4 80:1 112:18 118:23 119:5,8 143:1 262:18 277:2 Melrose 1:6,17,18 11:1 13:13 29:23 30:16 31:3 95:19 96:8 98:10 101:21 106:7 197:24 198:1 201:17 205:14 206:3 212:21 220:15 233:1 240:22 294:6 295:5 296:5 297:5 298:9,9,17 member 232:15 members 11:9,10 12:5 133:14,19 men 65:13 mend 71:19 Menolascino 278:24 280:6,14 284:17 mention 272:1 mentioned 192:17 220:24 232:2 263:23 271:18 284:20 mere 244:11 mess 8:15 9:8 message 269:15 messages 184:9	met 183:2 Mexico 17:2,5 Meyerson 156:18 Michael 1:8 2:20 3:16 233:14 246:21 269:23 270:5 271:16,24 294:8 295:7 296:7 297:7 298:19 mid-2000s 222:3 middle 192:1 201:23 202:1 266:22 midnight 242:9 Mike 199:10 202:19,20,21,24 236:17 293:2 mill 290:21 milling 48:24 million 48:24 mind 127:24 139:4 227:7 230:6 mine 23:14 234:24,24 minor 117:18 minute 47:5 214:6 261:6 277:7 minutes 229:8 Mischaracterizes 251:11 misconduct 39:3 41:2,9 misrepresentati... 35:8 missing 226:8 misspoke 211:5 misstates 81:9 mistake 213:13 mock 252:1 mockery 91:8 mom 99:5 moment 33:3	263:24 Monday 108:17 109:3 moniker 246:6 monikers 247:23 Monroe 3:9 month 95:7 240:23 248:14 249:6,15 254:7 254:13 260:17 266:23 272:6 277:2 monthly 239:1 months 19:24 54:20 72:3 95:6 116:16,18 149:13,16 Montino 49:20 52:16 Montino's 49:19 Morales 55:17,22 81:22 110:17 123:8,12,22 Moss 90:14,18 208:8 209:16 221:1 mother 110:23 mouth 65:16 110:7 113:12 114:1 142:15 252:14 move 62:21 63:1 72:15 129:23 moved 51:3 90:8 96:21 121:8 274:9,13 movie 57:8 moving 72:12 mows 208:15 MUCHIN 2:13 muddled 129:12 Municipal 1:7 294:7 295:5 296:5 297:5	298:17 municipality 286:22 <hr/> N <hr/> N 1:18 2:1 3:1 4:1 6:17,20,20 231:14,14 252:23 253:2,6 253:10,14,22 254:4 255:3 256:14 257:8,21 258:6,11,13 261:15 262:1 272:20,20 284:22 285:10 285:10 291:4,4 298:9 name 6:22 240:13 287:9 names 208:5 216:1,3 279:13 279:13 narrative 72:14 107:2 126:15 230:2 narratives 107:24 Natale 71:21 120:15 204:18 283:20 naturally 57:23 NAUGHT 293:14 nauseam 108:19 nearby 116:3 necessary 154:11 neck 151:7 need 8:1,4 27:15 30:20 33:9 35:24 48:14 100:10 143:14 183:12,15 197:4 198:15 199:17 231:19 negative 142:12	143:8 144:12 279:15,17 280:5 280:20 Negron 41:17 42:1 43:1,12 neighbor 51:7 95:21,23 209:24 269:4 neighbors 268:21 Nello 90:24 nephew 225:17 282:9 nepotism 52:4 never 36:19 51:7 54:2 83:2 94:16 95:24 96:2 104:9,17 108:6 110:2 119:5 123:13 143:24 153:3 157:22 187:5,17 190:4 195:8 203:20,24 204:9,17 210:8 224:16 226:5,5,8 226:8,14 234:22 239:9 240:3 241:8 251:10 279:19 280:1 284:18 new 195:21 217:13 news 61:4 nice 71:17,20 208:16 nickname 52:15 271:11 nicknames 247:24 nigger 46:18 49:11 106:16 255:6 257:2 259:7 263:12 night 10:12 41:8 56:15,24 96:1 245:4 260:6
---	---	--	---	---

John Scatchell, Jr.

August 5, 2020

Page 317

266:1 nodded 77:13 92:1 214:9 268:3 nodding 8:22 noise 57:10,12 nonresponsive 72:17 nonsense 129:13 247:9 Nope 11:21 26:19 123:15 234:21 normal 8:19 71:23 North 2:14 Northern 1:1 294:2 298:14 notarial 299:20 notary 1:15 294:23 298:4 299:23 note 152:8 225:23 noted 129:8 294:17 notes 207:14 notice 1:14 6:3 146:17 299:12 noticed 224:1 November 31:6 31:20,22 32:10 34:18 36:5 38:16 158:3,6,20 159:10 160:4 182:10,10,13,18 182:21 183:7 194:7,20 195:6 196:17,17 197:13 249:4 Nowicki 223:21 223:22 224:13 nugget 252:13 number 8:20 24:9 34:5 44:2 73:8 108:19 232:1 numbered 220:22	numbers 37:4 292:6 numerous 56:7,9 162:7 Nunzio 26:3 66:13 137:2 258:23 263:23 Nurse 155:17 <hr/> O O 6:17,20 231:14 231:14 272:20 285:10,10 291:4 291:4 298:2,2 o'clock 1:20 72:24 103:12 oath 294:13 obese 66:15 object 30:4 31:9 32:1 35:19 38:3 39:5,24 42:3 47:17 50:15 60:23 63:1 70:4 70:4 72:12 75:18 119:1 134:14 144:15 145:23 146:6 149:2,4 186:17 194:23 205:17 214:15 236:19 248:20 250:7 251:9,18 253:15 256:7 262:7 273:11 288:10 291:8 objected 36:9 37:17 292:16 objection 19:4 27:18 28:5 30:19 32:13,21 34:9,13 35:5,13 40:2 41:10 42:5 42:19 45:5,13 47:24 50:2	51:17 62:20 66:7 76:2,3 81:8 121:17 128:24 129:4,5,7 131:14 134:15,18,21 135:9 136:7 137:24 140:7 155:5,6,8 158:22 159:14,16 162:15 182:2 186:22 195:2 205:18 206:13 208:2 230:1 235:18 236:9 237:15 238:4 274:14 292:13 observation 136:22 obviously 63:23 65:4 83:13 196:19 203:7 226:16 279:14 occasion 31:22 56:22 57:1 occasionally 208:15 occasions 74:14 74:19 80:20 103:20 162:8 occupying 213:21 occur 123:13 138:9 255:22 264:22 occurred 47:23 49:2 53:12 84:18,20 144:8 161:21 211:2 223:22 256:2 285:3 occurs 255:17 260:18 264:24 October 146:11 146:15 147:12 158:3	October/early 158:3 odd 226:11 odometer 223:2,8 224:1 225:3,6 off-duty 149:14 offender 58:17 offense 9:18 offensive 105:24 office 3:8 62:7 67:17 68:2,22 70:19 80:8,23 85:1,3 94:3,11 103:18 104:18 104:19 106:18 111:18 112:5 120:3,10 121:1,4 121:7,10 122:1,5 124:14,21 125:6 221:23 225:19 241:7 242:22 243:1,2,6 244:11 244:13 247:10 252:15,17,18 254:6 officer 10:24 13:14 24:7 28:3 28:22 30:15 31:24 32:9 38:20 41:16 42:1 43:1,12 45:20 71:16 97:12 101:20 106:7 109:12 133:9,10 138:16 160:10,23 194:21 226:24 259:20,22,22 260:2 264:3 265:9,15,20 267:10 272:23 273:1 280:12 283:11 286:23 288:17	officer's 24:21 26:9 27:2 officers 17:9 19:2 29:23 31:2 39:8 61:21 66:6 70:20 73:9 133:3,13 135:8 145:16 227:14 234:1 235:24 236:2 237:10 238:1,16 239:4 239:13,18,23 245:1,6 257:9,14 260:1,12,16 267:12 285:14 289:21,24 offices 2:2 144:9 191:24 official 138:18 210:23 211:21 officially 211:6 oh 13:5 59:21 60:16 94:10,11 94:12,14 100:3 128:18 212:12 225:13 227:16 289:19 okay 7:13 8:10,24 12:11 13:6,10 14:11,20 16:13 17:15 24:4,19 25:15 27:9 32:20 33:3,4,15 33:20 37:11,14 38:16 46:20 47:8 59:24 64:23 68:16 69:11 70:12 71:12 78:6,16 84:10 91:12 96:16,19 97:22 99:11 102:11 103:1 106:14,15 107:8 110:5
--	---	---	--	---

John Scatchell, Jr.
August 5, 2020

Page 318

125:23 126:22 129:18 132:7,18 133:7 139:10 140:21,24 143:2 145:1 149:12 150:18 156:21 191:21 192:12 192:24 195:22 196:12 197:9 199:19 201:6 204:13 206:7,23 207:1,10 210:16 210:17 220:20 226:23 227:11 231:9 232:6 240:6 247:11 248:3,4,14 249:21 251:14 253:5,9 254:18 257:6,17 258:23 259:10,22 261:10,13 262:24 263:8 264:19 266:10 267:8 269:23 271:11 276:16 277:1,23 279:9 280:5 281:4 285:21 286:18 287:21 290:4 291:13 old 64:3 212:1,2 216:21 259:22 284:23 on-duty 225:16 once 62:5 63:24 93:19 136:7 161:1 195:4 217:14 239:8 244:9,12 258:17 271:9 one-on-one 71:20 ones 272:3 ongoing 45:16	160:17 ooOoo- 293:15 open 98:7 103:16 104:9,10,16 288:21 opinion 59:16 90:16 97:9 160:23 219:16 opportunity 7:4 7:16 194:15 195:11,20 197:14 198:4 229:24 oppose 219:14 opposite 60:11 opted 133:16 oral 281:23 282:18,20 286:21 288:21 289:5,20 290:14 order 7:7 34:1 147:17 289:24 ordered 148:3,10 148:14,19 ordinance 66:10 ordinances 66:12 organization 194:22 original 191:17 246:24 originally 265:7 originated 292:7 outcome 299:18 outed 227:9 outside 57:14 86:18 105:3 112:13 183:20 242:24 293:2 overall 55:12 overheard 111:6 111:18 130:16 212:11,12 overhearing 83:24 overlooked 235:1	overlooks 86:1 overseas 90:18 oversee 284:11 overtime 94:12 owed 205:10 <hr/> P P 2:1,1 3:1,1 P.C 2:17 p.m 1:20 221:14 pack 245:11,12,17 245:20 246:3,10 246:12,13,14,22 246:22 247:2,7,8 249:5,14,17,23 250:22,23 251:8 251:16,23 252:2 252:3 291:7,12 291:14,18 292:1 292:20 293:2,7 page 21:13 22:13 37:4,4,5,19 38:1 75:15,24 76:8,15 77:3,19 132:19 150:14,15 181:13,16 184:7 184:12 191:13 192:1,17 295:1 295:11,13,15,17 295:19,21 296:1 296:11,13,15,17 296:19,21 297:1 297:11,13,15,17 297:19,21 pages 4:2 19:22 294:12 paid 275:13 panel 289:16,19 Paoletti 39:23 40:18,21,24 paper 192:9 papers 200:1 211:12,16 paperwork 191:9	parameters 36:1 paraphrasing 203:9 256:22 parent's 57:8 park 1:6,17,18 11:1 29:24 30:16 31:3 95:19 96:8 98:11 101:21 106:7 197:15,24 198:1 201:17 205:14 206:3 212:21 220:16 233:2 240:22 270:17 294:6 295:5 296:5 297:5 298:9,10 298:17 parking 142:7 270:19 part 52:14 189:18 211:23 212:9 281:16 parte 69:20 participant 265:18 participating 61:9 112:18 118:23 participation 78:23 particular 16:11 52:7 53:4,17 55:14 62:11 68:23 122:17 130:3 220:9 229:18 267:5 272:4,5 particularly 238:11 particulars 56:14 256:23 parties 6:3 92:13 189:11 299:14 299:17	party 234:18 party's 265:17 pass 230:24 passed 202:11 214:18 217:8 281:23 283:6 passes 290:14 passing 43:2 119:15 142:7,21 passionate 69:16 patrol 13:14 50:20 82:20 272:23 273:1 285:17,17 285:18,18,19,22 286:6,16 patrolman 136:16 136:19 273:16 273:18 Paulette 155:17 pause 32:19 pay 44:12 123:18 123:20 149:14 204:22 234:19 259:8 263:13 paying 202:22 233:11 243:21 peak 260:10 pending 8:8 37:12 156:17 298:13 people 49:17 50:22 68:23 71:14,20 74:5 92:15,17 93:2,15 102:8,15 116:2 122:8,11,13,17 140:13 205:15 207:7,19 209:13 213:10,14,24 214:1 215:1,3 217:12,15 218:17,18,23 220:16 222:12 226:22 234:17 235:2 240:9
--	--	--	--	---

John Scatchell, Jr.

August 5, 2020

Page 319

252:19 258:21 268:3,9,12,16 271:8,14 273:4 274:21 275:14 276:9,11,22 277:20 289:17 people's 60:15 perceive 89:11 perceived 217:11 217:12,14 237:12 246:7 268:17 perceives 250:19 250:21 percent 19:9 perfect 106:8 perfectly 224:2 performance 260:10 performances 105:21 performed 105:22 105:23 period 16:1,14,19 73:24 84:15,16 114:18 161:2 182:9 183:7,19 194:14,19 197:12 211:13 247:19,20 248:8 248:12 periodically 19:15 periods 12:23 permission 27:16 28:3 29:16 perpetuated 292:8 person 71:14 106:5 111:10 212:9,15 218:2 255:11 264:2 269:16,17 277:3 277:4 289:19 personal 51:15	60:14 79:1 113:24 155:14 205:13 214:24 216:16,24 218:14 221:8 225:14 271:22 274:12 personally 67:22 68:1,7,11,13 69:24 70:7 97:8 103:8 110:9,13 110:15,20 111:3 112:16,22 113:7 113:10,19,21 115:7 116:9,12 124:2,6 131:18 139:11,19 140:1 141:1,23 187:15 233:16 245:23 246:11 252:8 253:1,5 298:8 personnel 286:13 persons 71:15 perspective 156:23 pertains 154:17 Pesch 50:24 71:21 89:13,15 90:3,19 91:12,13,14,17 92:22 93:12,16 94:18 95:10 96:12 99:18 100:17 102:16 104:6 120:13 124:8 208:14 214:4 283:20 Phil 42:11 43:4 Phillip 41:17 phone 117:9 124:20,22 photo 75:17 77:12 181:22 photograph 181:18	phrase 110:5,8 159:18 206:14 233:1,14,18,21 234:1 237:9 238:2,17 239:14 239:17,19 240:1 240:4,16 245:24 246:10 248:9,18 249:7 272:10 285:13 physical 66:16,18 physically 138:8,8 253:21 266:2 pick 92:18,19 290:13 picks 290:21 picture 95:8 215:15 218:16 267:19 piece 192:9 Piemonte 219:22 220:7 Pierce 2:18 pigeonholing 250:19 pin 101:9 pinpointed 114:16 pit 77:22 78:1 Pitassi 1:8 3:16 17:19 20:3 46:16 48:20 49:9 51:11 53:24 54:9,13 59:9 60:1 69:5 70:23 79:14 80:12 87:15 92:24 97:18,20 98:9 99:18 100:7 102:23 103:2,9 104:2 105:11 106:11 109:23 110:10 110:16,21 111:4	112:8,17,20,23 113:8,22 115:4,9 115:11 116:8,10 117:9 131:11 134:11 140:11 143:20,23 160:7 160:15 203:20 210:10 222:9,13 233:20 238:12 239:20 245:21 251:6,22 252:5,6 252:23 253:6,10 253:14 254:4 255:5 256:14 271:23 275:1 277:6,18 284:6 284:21 294:8 295:6 296:6 297:6 298:18 Pitassi's 110:7 pits 88:22 pittance 91:7 place 46:2 47:16 47:22 48:17 55:11,20 64:12 64:15 71:5,7 84:12,22 94:2 111:13,17 115:15 120:7 124:24 201:22 210:19 265:4 276:14 280:23 282:16 294:12 placed 283:17 286:23 places 283:3 284:3 284:7 plaintiff 1:4 2:11 43:19 195:18 294:4 295:3 296:3 297:3 298:16 plan 63:19 planned 63:20	planning 64:6 231:21 plans 62:13 63:6 63:11 play 94:5 201:18 203:10 players 106:1 please 6:6,7,22 9:17 27:1 28:10 31:13,15 33:15 39:14 45:1 63:16 67:5 83:19 101:14 107:1 126:10 129:10 130:6 158:12 160:3 190:19 193:6,18 207:3 215:19 228:6,22 236:16 237:2 241:21 254:13 294:15 pleased 141:10 Plenty 53:1 plus 287:3 point 9:9 14:20 20:17 36:6 41:24 93:24 96:21 99:8 102:4 108:17 117:6 148:4 154:1 157:8 158:7 160:21 161:12 187:7 197:2 201:24 202:2 203:24 211:17 264:13 266:18 274:6 287:16 288:14 290:22 points 282:1 police 10:24 11:7 12:5 17:7,9 18:9 18:18 19:1,2 28:3,22 29:22
--	--	--	---	--

John Scatchell, Jr.
August 5, 2020

Page 320

30:15 31:2 38:18 47:6,10 66:6 67:13 97:12 101:20 106:6,7,19,22 113:13 134:12 144:22 148:23 149:13 152:9 160:10 183:21 189:5,8 190:11 191:4 194:3,9,21 196:16 222:22 233:2 234:2 240:22 249:8 257:3,13 270:5 273:9 281:13 283:8 286:12,14 policeman 11:4 90:15,15 policemen 248:2 policy 104:10,16 205:14,20 206:9 207:7,10 214:7 214:11 politics 99:1 201:17 poorly 232:20 235:5,9,15 popped 90:3 portion 31:17 39:16 40:13 45:3 67:7 83:21 158:14 184:8 200:1 215:21 237:4 241:23 250:15 274:2 Portland 183:24 184:2 posed 159:21 289:23 position 37:22 53:22 101:24 102:2 197:15 221:22 271:9	272:22 283:22 285:19 positions 236:3 positive 142:15 149:19 150:17 206:20 261:21 possess 136:13 posted 64:20 114:10 posts 122:12 pounds 162:22 182:1 power 95:4 powers 44:12 63:24 269:11 practice 220:15 220:18 221:10 Practitioner 155:17 preempt 82:3 prefer 108:23 prepared 109:19 153:4 preprinted 290:1 presence 87:12 132:4 144:1 239:5 258:18 277:16 299:3 present 3:14 38:22 41:4 46:4 47:1 49:3 56:15 57:6,7 64:16,24 85:8 94:19 97:14 99:4 111:19,24 115:20,21 120:21 125:5 142:22 146:4 147:14 194:6 203:3 210:22 242:19 252:7 253:21 260:12 265:5,22 266:3 299:13	presented 39:22 100:1 137:9 presidency 243:22 president 204:18 275:19 pretty 49:8 69:16 206:5 252:12 270:19 277:12 290:21 prevail 156:16 previous 256:9 previously 190:4 Prignano 88:15 prime 207:15 Principe 218:5 221:3 prior 11:3 63:17 182:13,18,21 225:22 prison 88:15 pristine 137:9 privy 79:3 probably 21:4 22:6 26:8 80:19 82:2 94:3 102:1 111:23 116:15 117:6 121:13 125:12 132:3 138:11 160:17 201:19 215:5 234:3 249:9 260:4,21 272:7 272:13 282:21 probation 160:22 probationary 161:2 problem 71:22 204:20 223:22 Procedure 6:3 proceeding 108:7 195:15 proceedings 73:4 105:7 157:17 185:16 188:22	201:23 229:11 231:12 process 7:7 8:16 12:4 204:6 272:24 273:8 281:5,16,17 282:15 285:24 290:14 produce 189:15 189:21 produced 185:10 187:6,23 188:2 189:4,7,9,11,14 productive 160:10 professional 230:19 promised 53:21 54:3 160:7 162:7 promises 160:20 promote 90:19 143:11 promoted 17:18 50:22 51:3,5 53:8 64:10 91:15 95:10 102:15 110:11 120:16 213:2,3,3 234:20 241:8 273:1,4 278:4,7 279:20,21,23 280:2 283:18 284:9,11,13 promoting 210:8 promotion 44:8 44:10 55:7 64:1 64:19 82:14 105:12 109:24 124:1 161:1 273:14,16,20 285:13,16,16,22 286:15 promotions 235:2 286:6	pronounce 41:19 155:20 protected 206:1 209:3,17 210:3 213:8,19 222:6 protection 153:14 153:20 154:7,8 protects 206:19 provided 149:13 proxy 115:7 269:14,15 prudent 154:9 psychological 10:1 public 1:15 89:22 288:21 289:1 294:23 298:4 299:23 pull 256:6 pulled 249:3 punching 69:13 punished 135:21 punishing 238:1 punishment 121:5 121:6 purpose 7:3 37:16 purposely 67:17 84:4 119:7 227:4 purposes 107:20 109:9 pursuant 1:14 6:2 86:19 299:12 pursue 198:4 purview 42:13 pushes 204:11 put 19:24 30:9 44:2 51:23 54:4 66:24 81:24 90:20 95:4 108:20 121:12 122:19 142:19 143:14 161:10 161:10,14 162:1
--	---	---	--	--

John Scatchell, Jr.

August 5, 2020

Page 321

195:8,16 202:10 211:11 224:2 225:23 227:4 237:21 246:4,6 248:14 249:6,14 273:3,6,21 278:5 281:6 283:11 puts 208:16 putting 72:4 102:7 161:23 162:3 273:4	195:14,24 197:5 197:7,11 199:23 206:17 207:11 210:16 214:23 222:15 223:17 224:4 229:21 230:8 235:13,19 236:20 237:2,7 238:23 241:14 241:21 246:24 248:6 250:12 256:9 258:5 261:22 267:4 269:2 272:17 280:3 289:23 290:23 291:3 question-by-qu... 36:4 questioning 35:20 129:17 130:2 questions 7:5 9:4 9:16,22 10:3,8 15:3,11,17 16:3 16:7,11 18:8,13 18:15,19,21 32:7 34:2,5,17 35:1 37:23 58:4,6 69:3 76:5 82:3,4 101:14,17 107:12 109:20 117:12 132:12 147:18 154:2,14 156:9,13 157:10 162:11 185:3 195:14 214:7 230:15 231:2 272:19 289:7,11 289:16 290:1 quick 8:14 32:16 72:22 291:2 quickly 290:22 quite 124:14 217:7 226:11 232:4 249:22	quits 269:19 <hr/> R <hr/> R 2:1 3:1 6:20 231:14 272:20 272:20 285:10 285:10 291:4 racial 60:22 racially 263:19 racist 60:2,3 105:19 rah-rah 247:9 raise 6:7 ran 54:16 random 234:10 range 84:13 195:4 226:7,13 242:6 rank 243:8 285:19 ranks 19:9 rants 252:15 rationale 115:12 Raul 71:21 120:14 Rauzi 11:24 38:23 282:23 287:13 287:21 288:9 290:5 raves 252:16 read 19:19,21 31:14,18 36:19 36:20 39:13,17 40:14 44:24 45:4 67:4,8 83:18,22 158:11 158:15 197:5 215:19,22 223:13 237:1,5 241:20,24 250:16 274:3 276:24 294:11 reading 129:19 223:2 299:9 ready 60:8 247:8 247:9 really 7:8 8:23 9:1	27:6 65:9,11 70:20,20 78:8 86:14 94:6 102:14 123:21 127:23 137:18 144:20 203:21 234:17 239:9 246:4 256:22 259:8 263:12 273:6 278:1 reanswer 257:16 reappoint 288:3 reason 10:6 26:18 54:7 65:12 68:8 73:20,22 83:14 96:2 106:9 202:4 280:14 295:12,14,16,18 295:20,22 296:12,14,16,18 296:20,22 297:12,14,16,18 297:20,22 reasonably 106:14 reasons 219:1 295:10 296:10 297:10 recall 7:2 31:8,20 31:22 33:17 34:16 43:10 46:3,13,16 47:20 48:11,13,16 49:23 50:8 52:8 53:2,15,18,19,23 54:12 55:5,14,23 55:24 56:7,12,22 57:1 59:4,19,21 59:24 62:9,16 63:9 64:22 65:3 65:4,7 66:4 68:23 73:11 79:17 80:6,20 81:19 82:7,10 83:4 85:14,17	87:6 88:1 93:21 94:20,22 95:17 96:5 97:17 98:18 99:7,22 102:19 103:23 104:8 110:3,4,18 110:23 111:2 112:6,21 113:2 114:22 116:5,22 117:2 118:7,20 120:18,20,23 122:5,17 124:7 125:1 130:8,19 130:22 131:4,9 131:19 132:5,9 139:17,23 141:7 143:2,4,7 144:18 145:20 146:9,13 147:13 154:4 159:6,7 160:13 185:19 194:4 200:24 201:7 204:24 205:1,4,5 205:12 213:6,16 216:4 217:1 218:3,22 221:16 223:4,5 225:5,12 226:2 229:19 230:11 233:22 239:11,13,16,21 244:20 251:17 251:21 254:23 255:21 257:10 259:17,19,23 263:21 264:11 269:7 275:2 276:20 279:12 282:23 283:14 292:22 293:3,8 receive 23:15 26:4 201:9 204:22 205:2 228:12 229:4 received 19:14,18
--	---	--	--	--

John Scatchell, Jr.
August 5, 2020

Page 322

145:20 184:9 201:3 receiving 205:10 recognize 23:10 25:21 26:2 27:10 75:16 77:20 184:8,13 184:22 191:2 200:4 recoil 185:4 recollection 28:19 48:2 58:20 81:11 292:21 recommend 136:21 recommendations 135:16 136:2 138:7 recommended 41:24 42:16 record 9:13 20:3 31:17 32:22 39:16 40:13 45:3 66:22 67:7 69:4,15 83:21 129:6 140:6,9 152:23 156:3 158:14 187:14 188:24 190:1 215:21 237:4 241:23 250:15 274:2 records 157:3 red 57:19 Redirect 4:5 reduced 150:24 299:2 refer 25:12 80:18 91:16 120:3 232:12 235:14 247:1 251:7,22 261:24 263:8,17 269:24 285:14 285:21 291:18	291:20,21 reference 35:6 99:2 191:24 246:11 254:4 258:7,13 272:2 272:11 references 67:10 referencing 293:2 referred 49:10 58:21 80:11,15 80:24 81:6 89:8 97:3 100:21,24 103:5 111:7 119:15 121:1 232:17,22 245:16,19 255:6 257:8 269:21 270:6 275:12 291:12 292:23 referring 37:5,18 47:15 48:8 52:13 73:7 84:11 87:14,15 111:8,11 112:9 133:14 150:10 198:10 218:8 237:10 251:3 263:1,3,18 271:19 275:18 276:7 291:22 refers 48:5 66:5 66:10 119:16 232:14 236:1 271:3 refuse 15:11 106:1 refused 104:21 refusing 15:13 regard 227:15 regarding 102:13 123:8 225:3,10 225:15 regularly 106:18 Reiger 201:11 203:3	reimburse 137:11 reimbursed 135:21 related 39:2 299:16 relates 87:1 relating 32:8 37:24 39:3 81:5 87:3 113:8 123:2 132:12 relationship 16:6 87:20 88:18,19 89:4,7 271:23 relayed 105:16 relays 260:3 released 152:15 relevance 155:6,7 relevant 156:22 187:21,22 195:15 196:6 199:5 229:15 remain 29:5 154:10 155:11 257:3 remaining 106:6 remains 214:3 remarks 212:13 remember 12:7 46:19 54:23 79:11 83:24 124:18,20 125:10 130:18 210:15 212:16 212:17 224:9 240:9,23 241:2 243:11 245:9 247:7 255:5,10 255:13,18 256:23 257:1 260:17 267:13 272:6 282:22 reminded 146:16 removed 106:2 274:18 278:6	Renew 30:18 repeat 9:10 32:5 39:12 40:10 195:4 227:11 236:16,23 241:19 250:11 repeated 31:13 129:11 repeating 108:18 rephrase 7:17 28:10 135:6 149:6 160:3 197:11 230:9 237:7 replaced 150:24 275:20 report 133:10 reported 157:23 158:2 reporter 6:7,10 8:17 12:16 36:17 126:12 129:19 153:15 153:17 196:9,12 202:13 236:15 279:2 reprehensible 47:6 represent 126:19 153:1 representative 38:5 representing 123:11 192:13 reprimand 158:23 reprimanded 158:19 reprimands 159:5 159:7 request 29:15 72:22 requested 31:16 39:15 40:12 45:2 67:6 83:20	158:13 215:20 237:3 241:22 250:14 274:1 requesting 187:24 required 286:22 requirement 52:24 83:7 104:3 requirements 83:12 requiring 145:6 145:16 researched 73:17 reserve 293:12 reserved 299:10 residency 50:13 50:17 52:23 83:7,12 85:21,23 87:1 89:8 90:3 90:19 92:18 102:13 104:2 124:5 125:13 208:9,10 214:2 255:24 resident 92:23 95:19 96:8 97:16 98:10 99:9,13,19 100:18 102:3,4 102:12 resign 194:16 195:20 resignation 17:22 respect 15:3 220:23 257:19 259:2 267:14 271:9 respectfully 151:24 respond 201:15 responded 147:22 response 129:20 154:18 203:13 216:18 222:10
---	--	---	---	--

John Scatchell, Jr.

August 5, 2020

Page 323

244:18,22 245:7 responses 200:11 201:2,5,9 244:7 responsive 127:18 rest 70:18 279:7 restricted 258:10 restrictions 152:16 result 109:14 162:21 236:3 237:12 280:21 results 282:15 retaliate 207:7 retaliated 45:18 retaliating 205:15 215:1 220:16 retaliation 219:3 221:10 retire 63:19 114:6 retired 62:17 210:20 211:4,6,8 222:4 retirement 62:13 62:23,24 63:6,11 63:17 65:22,23 113:9 118:6 210:21 211:12 retires 264:16 267:17 268:22 retiring 63:11 review 21:11 199:8 reviewed 199:11 199:12 202:17 revisit 280:3 revoked 54:5 reword 38:10 rid 67:11,24 68:19 114:3 rifle 13:21 right 6:8 7:14 8:14 11:1 13:6 13:18,21 14:3,18 15:1,3,14 16:10	17:9 19:3,16 21:10 23:3 27:19 28:4,20 29:5,11 31:8 32:24 34:5 38:3 38:24 39:4 40:19 41:5,9,19 44:23 47:23 48:10,12,14 49:13 50:9 55:15 62:17 63:22 65:10 66:14,23 71:6,18 72:3 73:15 74:6 74:12,17 75:14 77:2,4 78:17 82:23 88:12 90:10 95:3 96:24 102:19 115:20 121:16 121:21 125:3 130:4,6,13,17 131:22 132:6,18 132:22 133:24 134:9 135:3 136:4,21 138:20 140:13 145:14 146:5 147:23 149:24 150:5,13 151:4 152:17,21 154:1,10 155:11 157:13,19 158:4 160:4 161:11 162:12 181:14 182:16 183:16 187:10,12 188:2 188:5,18 189:12 192:4,14 194:7 198:4 199:14,15 201:23 204:8,14 206:1 208:17 211:11 214:7 217:8 222:22 229:20 230:10	233:11 235:23 236:6 241:10 244:3 246:8,8,9 246:23 247:21 248:11 249:17 253:13 254:2,23 256:17 259:1 260:20,21 261:5 262:20 263:3,16 263:22 264:2,8 265:5,9 266:2 267:11 269:18 270:4 272:18 275:14,22 276:20 284:5 285:6 right-handed 13:16 rights 32:11 205:16 207:9 215:2 220:17 rise 148:11 Road 2:18 Robert 223:17 224:23 225:18 282:7 rode 201:16 Rogowski 1:8 3:17 17:20,21 30:7 54:5,6 58:2 69:5 79:13 81:13 99:12,14 100:6,17 116:20 116:24 117:5,15 117:22 118:5,10 118:13,22 119:12,24 120:24 123:2,7 123:17,24 124:4 124:10,24 125:8 130:11,17,21 131:2 132:17 134:11 143:19 143:20 144:14	144:19 233:17 239:6 277:6 284:2 286:10 294:9 295:7 296:7 297:7 298:19 Rogowski's 161:20 239:8 role 286:9 288:16 roles 286:11 roll 67:18 84:4,23 85:8 227:6 240:20,21 241:5 241:11,16 242:12,22,23 243:3 244:4 245:2,6 247:14 276:15,16 RONALD 1:7 294:7 295:6 296:6 297:6 298:18 Ronnie 53:21 128:19 room 12:15 85:9 121:11,13,15 148:15 223:18 224:22 243:3,11 243:13 245:2,6 252:17 276:15 276:16,24 277:8 277:17,18 Rosa 51:10 Rose 89:19 rotating 19:20 84:5 roundabout 156:16 RPR 1:15 299:22 rude 22:8 rule 8:6 138:12 145:16 rules 6:2 7:9 17:8 17:17 19:1,11	27:15 207:12 ruling 86:12 102:20 135:22 rumblings 114:24 rumor 50:17 51:20 52:5 53:24 67:13 86:16 218:6 280:16 290:21 rumors 50:18 67:19 82:22 86:22 116:18 117:24 139:6 218:4 run 60:12,15 68:1 103:12 running 219:15 224:13 275:19 runs 60:13
S				
S 2:1,16 3:1 4:8 5:1 6:17 231:14 231:14 285:10 285:10 291:4,4 Sabater 3:15 safe 206:6 safety 70:20 saith 6:19 293:14 sake 127:4 Salvi 224:21 Sam 1:7 162:7 221:13 257:2 294:8 295:6 296:6 297:6 298:18 Sam's 252:13 Samuel 3:16 Sandoval 155:14 sat 70:10 save 264:17 267:17 268:23 saved 267:15 saw 57:17 77:24				

John Scatchell, Jr.

August 5, 2020

Page 324

78:3 121:20 202:9,19 209:22 212:17 saying 28:19 54:17 69:1 84:1 85:2 102:7 106:16,16 113:5 114:5 115:9 128:4 132:14 143:8 145:12 161:8 202:1,5 206:8,12 211:11 212:11 217:17 218:12 219:11 221:17 224:14 243:23 259:2 263:10 273:19 says 85:24 86:5 111:23 118:1 147:10 252:19 256:14 Scatchell 1:3,13 2:2,5 3:15 4:2 6:23 20:7,21,23 21:3,7,11,22 22:2 23:3,18,22 24:15 25:7,14 26:20 32:15 33:11 36:21 43:17 44:13,14 69:10,11 75:1 108:24 128:23 146:19,23 147:10 149:20 150:1 151:9,14 152:3,24 153:1,5 156:12,14,19 157:1,4 163:1,7 183:12 184:17 185:16 186:12 186:18,20 190:10,15 191:14,21 192:1 192:13,16,18	193:2,14 196:14 198:6,22 199:4 199:21 202:7 219:11 228:1,18 229:14 231:16 232:8,15,22 233:1,10,11,14 234:2,19 235:7,9 235:23 237:9,18 238:17 239:5,14 239:19 240:1,7 240:16 241:7 243:21 245:10 247:22 248:9,18 254:19 264:16 275:13 294:3,19 295:2 296:2 297:2 298:11,16 298:22 Scatchell's 154:18 Scatchells 236:4,7 237:13,20 Scavo 14:5,13 15:22 16:4,8,16 16:21 17:2,4,18 18:7,10,14 64:4 74:2,6,10,15 77:24 78:3 87:16,21 88:3,18 88:20 89:2,4 90:21 91:2 182:14 184:15 184:24 269:20 270:6 271:6,19 272:2,11 279:24 Scavo's 52:17 scenario 197:22 scenes 72:8 schedule 98:7 135:20 138:19 scheduled 1:19 119:7 schedules 135:18 school 104:15	score 96:11 screaming 103:13 screams 252:14 screw 227:15 screwed 96:13 seal 299:21 seat 123:9 148:11 seats 210:24 211:21 212:3 second 9:1 12:13 14:18 27:17 32:18 62:18 74:20 76:7,14 108:14 136:6 138:18 160:18 181:14 184:12 196:10 228:15 231:8 279:12 secondary 27:16 27:24 30:9 secret 49:18 92:16 135:20 214:3 276:17,19 secrets 214:3 secured 96:12 security 28:21 see 7:5 21:17 22:3 23:4 26:3 37:3 37:20 51:7 54:13 57:16,22 77:12 95:24 96:2 106:20 109:18 147:7 151:21 156:22 163:16 181:16 183:20 191:23 202:14 208:1,11 225:22 277:13 277:15,18 seek 156:7 seen 26:6 121:7 123:13 132:10 138:8,9,15 198:21 199:2	sees 101:11 segregating 20:19 sell 223:23,24 sending 215:14,15 218:16 senior 98:19 104:5 111:1 133:3,12 224:18 283:11 seniority 281:1 sense 21:5 73:23 106:8 205:24 251:24 sent 135:19 184:9 219:10 269:16 sentence 38:10 separate 78:13 135:17 154:19 156:24 164:10 165:10 166:10 167:10 168:10 169:10 170:10 171:9 172:10 173:10 174:10 175:10 176:10 177:10 178:10 179:9 180:9 181:2 September 23:16 sergeant 44:18 50:24 51:4 91:14,17 95:12 133:5 138:15 273:17,18 281:3 281:6 283:10 285:20 sergeant's 280:23 283:3,17 284:3,7 286:2,23 288:18 sergeants 79:12 132:21 133:18 136:1,20 137:22 239:24 243:10 243:13 series 16:3 132:12	Serpico 1:7 51:11 53:23 64:9 88:13 99:3 131:21,24 132:4 132:13 219:23 283:2 290:13 294:8 295:6 296:6 297:6 298:18 served 30:7 266:19 Service 14:23 15:4 15:12,18 serving 209:18 set 299:20 seventeen 279:16 Shaking 8:21 shared 254:22 SHEET 295:1 296:1 297:1 sheet(s) 294:16 shhhh 71:1,1,1 shift 59:15,16 61:9,11,15,16 85:18 92:12 99:15 100:20 119:7 135:17 137:7 138:13 161:16,20 221:14 233:7 239:8 241:2,4 242:3,11,13 245:3 259:7,16 260:7,22 263:15 265:24 266:16 shifts 19:20 84:6 138:10 ship 63:22 65:10 shipshape 66:19 shit 19:21 shook 57:5 shoot 13:18,24 shooting 54:18 77:24 78:3
---	---	---	--	--

John Scatchell, Jr.

August 5, 2020

Page 325

185:7 186:13 shoots 13:24 short 73:2 105:5 157:15 187:4 188:20 229:9 231:10 shorthand 299:2 shortly 210:20 215:16 224:22 249:9 254:14 259:4 260:19 shotgun 13:20 74:20 shotguns 185:4,7 186:13 should've 95:2 shoulder 13:22 14:3 show 208:16 271:8 showed 44:7 137:5,7 226:8,9 237:19 248:12 275:17 277:6 287:19 shown 124:13 250:21 283:21 shows 11:16 76:15 121:4 263:11 shuffled 71:1 shut 65:17 113:4 sic 221:2 sick 42:1,17 43:12 144:24 148:24 151:1 162:12 264:10 side 67:12 194:10 292:8 sign 21:19 24:11 25:4 26:15 signature 21:13 23:10 24:6,7,20 24:21 26:10,11 26:13 27:1,2	147:9 151:23 152:1 Signed 295:23 296:23 297:23 signing 299:9 silent 29:6 154:11 155:12 similar 214:23 Simpson 59:11 81:1 221:11,18 222:3,6 single 48:5 sir 147:3 sister's 10:20 sit 46:12 48:22 50:1 53:2,15 55:6 56:13 59:3 62:8,15 63:8 130:20 143:3,6 203:16 242:23 278:14 279:11 sits 82:24 sitting 33:18 65:13 116:2 119:19 148:4 183:14 210:13 210:24 212:6 241:5 258:21 situation 106:20 situations 84:3 six 19:23 149:13 260:15 size 57:23 sleep 10:12,13 slip 94:12 slippery 278:13 slope 278:13 small 94:14 smart 125:16 snickering 245:10 snowplow 68:2 sold 223:3,9,16,20 223:24 224:14 soldier 51:22	solemnly 6:10 somebody 28:22 70:24 78:13 95:21 97:14 137:5,23 209:5,6 209:8 210:24 213:21 215:13 218:16 224:6 227:3 230:23 259:16 281:6 283:3,16 284:2,7 son 104:14,15 255:12 284:12 song 54:24 105:22 106:2 songs 54:22 soon 18:18 254:6 SOP 145:6 206:18 SOPs 19:12,14 72:4 144:23 206:5 sorry 22:20 37:12 40:11 43:8 47:10 50:14 52:10 82:15 97:23 106:10 112:12 130:12 139:2 152:20 153:15,18 182:16 183:11 195:1 196:11 202:21 211:5 221:6 233:5 241:19 250:4,13 255:15 265:11 276:6 sound 244:13 Sounds 7:24 South 3:3 spade 96:18,18 spans 46:9 spawn 54:19 speak 9:2 42:6 220:9,21 250:5	speaking 123:11 217:19 specialty 118:16 277:4 284:12 specific 55:23 59:5 64:13 65:3 110:3 150:9 251:17,21 specifically 28:6 65:24 80:21,22 82:9 88:11 92:14 130:9 143:3,7 186:5 217:19 specifics 130:22 143:4 243:11 247:4 speech 206:1,10 206:19 209:17 210:5,6 218:7,12 spell 240:13 265:13 279:2 spending 96:1 spiked 124:20,21 spoke 40:18,21 95:21 215:13 224:6 spoken 42:24 43:11 44:1 spot 54:2 288:8 spots 280:24 spreads 67:19 squads 270:18 Square 260:5 Sr 1:3 3:15 69:11 156:13 157:1 221:11,18 224:7 224:20 264:16 294:3 295:2 296:2 297:2 298:16 SS 298:1 stabbed 55:8 stack 198:24	200:1 stacked 277:7 staggered 288:5 stain 58:11,13,21 stairs 270:20 stairwell 271:1 stand 29:7 38:11 45:19 84:2 147:18 148:3,6 148:10,14,19,20 standing 122:21 266:5 267:9 stands 26:3 246:22 270:12 staring 69:4,6 start 84:18 92:17 182:12 248:8 256:15 started 248:15 249:7 starting 38:1 154:1 184:7 241:5 242:14 starts 37:5,19 92:6 state 1:16 2:14 52:13 91:4,6 136:10 185:14 264:15 267:23 298:1,5,10 stated 252:21 259:13 267:20 268:8 statement 48:20 60:3,20 84:21 85:11 86:24 106:4 115:17 118:10 241:17 244:8,10,18 256:19 266:19 statements 35:16 81:5,18,21 82:7 82:13 83:6 87:3 103:2,4 117:16
---	---	---	--	--

John Scatchell, Jr.

August 5, 2020

Page 326

117:22 118:5,22 119:12 123:2,7 123:24 124:4,10 131:2,7,12 132:1 138:24 139:3,13 139:21 140:3 141:3 142:3 143:23 144:12 225:2 245:7 247:12,17 States 1:1 206:3 294:1 298:14 station 30:9 52:6 59:1,8 60:10,13 61:10 62:5 67:13 78:24 79:20 80:4,9 82:17 86:8,17,22 97:4 103:11 111:5 112:18 113:1,4 118:24 119:13 122:7 183:3,4 221:18 223:18 224:14 232:18 233:2 234:2,11 249:8 252:11 257:7,13 258:2 266:12 267:9 270:5 276:15 290:20 stay 96:12,14 198:1 207:20 stayed 86:14 Steak 115:19 stems 106:22 stepped 186:1 Steve 50:24 89:13 89:15 90:3 92:22 93:12 95:8,10 99:18 102:16 124:13 125:16 208:14 214:4 Steven 1:8 3:17	294:9 295:7 296:7 297:7 298:19 stick 57:3 129:23 stickers 22:11,14 22:16,17,22 sticks 57:18 stipend 66:17 stipulate 76:10,19 stop 127:17 203:10 stopped 161:22 162:3 253:19 stops 133:22 story 70:17 Stream 51:2 89:18 90:9 91:19 street 1:18 2:2,7 2:14 3:9 89:19 91:5 142:8 234:4 249:1,3 298:9 strike 14:21 16:15 16:23 23:11 41:21 55:20 62:21 63:2 72:16 116:8 182:11 185:11 204:3 257:15 272:17 278:10 stripes 285:5 structure 220:8 stuck 255:8 stuff 8:23 84:19 100:12 111:22 139:16 157:11 201:20 216:3,22 217:9 245:11 251:16 252:19 stuffed 59:11 221:13 subdivided 286:11 subject 41:9 196:4	240:6 252:21 258:1 subjected 221:9 subjective 83:13 submit 29:15 submitted 48:19 151:24 152:9 192:4 200:11,17 200:19,22 211:17 294:16 subordinate 133:8 subpoena 6:4 subscribe 294:13 SUBSCRIBED 294:20 subsequent 44:10 268:6 substance 9:20 sudden 226:9 277:3 sue 48:19 49:13 suffered 159:11 278:18 suggest 29:10 38:8 130:5 suggesting 109:6 189:19,23 suggestion 76:24 154:13 suing 49:10 suit 299:17 Suite 2:3,8,14,18 3:9 superior 133:10 133:13 supervision 59:15 118:14 supervisor 59:1,8 60:11,13 61:10 62:5 78:24 79:20 80:10 111:5 112:19 113:1 118:24 119:14 133:9	136:11 138:23 139:5,12,20 140:2,12 141:2 159:12 160:5 201:12 220:5 221:19 243:5 258:3 289:10,12 289:13 supervisor's 241:6 242:21 243:1,2 supervisors 29:16 38:18 79:3,7,10 132:20 134:6 141:9 157:24 220:2 244:14 support 140:4 141:4 142:4,13 143:9 144:13 237:19 248:12 263:12 275:17 supported 61:21 supports 259:7 supposed 104:10 134:1 203:14,15 250:24 288:5 sure 9:2,13 17:13 18:16 30:9 33:7 36:16 59:23 62:14 63:7 72:23 91:3 92:5 103:14 105:4 111:2,21 112:3 113:6 114:9 138:18 142:23 192:10 207:12 239:16 262:18 267:22 273:18 surgeon 211:1 surveillance 183:9 suspend 137:23 138:16 suspended 227:20 swear 6:5,11 swears 103:17	253:2 sweat 187:11 switch 22:18 sworn 6:15,19 69:15 294:20 298:22 systems 12:22 <hr/> T T 2:10 4:8 5:1 6:17,20,20 231:14 272:20 272:20 285:10 291:4 tab 20:14 22:15 table 82:24 116:3 128:20 148:5 211:23 tact 44:19 95:4 120:10 273:21 274:5,9,13 278:5 278:8 280:13 284:13,17 285:15,18,23 286:7 tactical 280:8 286:16 take 8:1,4,8 9:17 14:8 17:21 20:13 23:22 24:19 32:15 33:8,8 34:20 35:10 36:2 37:2 46:1 47:16,22 51:21 55:10,19 57:24 61:2 64:11 71:5 76:7 76:12,21 77:3,19 84:11,21 94:1 105:1 106:1 111:12,16 115:14 120:7 124:24 137:8 147:18 148:3,10
---	--	---	---	--

John Scatchell, Jr.

August 5, 2020

Page 327

148:14,19,20	talks 84:4	term 214:13 234:8	293:9	thorn 67:12
151:14 183:13	TALON 2:7	234:9 239:5	theme 220:19	thought 108:21
183:15 188:11	tangled 52:3	263:19 291:7,18	thereabouts	118:15 119:8
190:19 193:6,18	tapes 189:4,13	292:1,6,20 293:1	162:10	124:16 149:16
200:15,16	190:3	293:7	thereof 299:18	149:18 197:22
201:21 203:14	taste 94:13	terminate 156:20	they'd 122:20	199:7,7
210:18 211:1	tax 44:13,14 232:8	terms 218:9	137:6,11 233:9	threaten 102:6
228:5,15,22	232:15,23 233:1	test 281:8,10,12	thing 20:1 26:3	three 11:19 46:9
229:7 276:14	233:10,11,15	281:15,21,22,22	50:18 59:9	58:15,22 64:14
281:21,22 282:5	234:2,19 235:7	282:5,8,14 283:8	71:18 75:11	65:13 69:3,12
282:8	235:24 237:10	283:10 287:2,3	86:12 87:12	84:6 103:22
taken 1:14 6:2	237:18 238:18	testified 35:10	210:9 219:13	122:21 139:15
8:17 9:19	239:5,14,19	40:19,22 41:4	227:17 248:1	140:18 149:16
takes 281:5	240:2,7,16 241:7	261:5 269:20	249:5 269:18	280:24 281:18
talk 18:7 31:6	243:21 245:10	274:10	279:15,17 280:5	287:9,14 288:4,6
45:11 60:6	247:22 248:9,18	testify 40:6 41:7	280:20	288:15
61:14,24 87:12	275:13	90:23 97:13	things 8:15,18	three-year-old
94:15 99:16	technicians 57:24	111:23 298:23	43:4 44:20	203:7
109:2 113:20	television 121:23	testimony 6:11	46:19 71:23	throw 60:15 93:3
117:10 118:2	121:24 122:2	38:6 39:22 48:1	83:3 97:21	96:22 136:9
119:24 126:9	tell 6:22 27:6 47:4	81:9 119:23	99:22 118:1	thrown 139:6
143:24 157:14	49:1 64:14	157:2 164:9	195:17 207:20	235:24
188:3 225:4	65:17 97:5,18	165:9 166:9	207:21 226:12	ticket 123:9
231:7 234:23	98:9 109:18	167:9 168:9	232:1 271:2	tidbits 94:8
248:2 259:6	136:14 163:5	169:9 170:9	think 11:18 17:11	tiger 285:4
269:14	182:19 234:16	171:8 172:9	22:9 26:18	time 8:1 9:3 13:12
talked 33:13	241:12 274:22	173:9 174:9	30:20 35:22	14:21,24 16:19
45:22 126:2	275:1 287:18	175:9 176:9	44:20 48:4 71:8	33:1 40:11
140:17,23	289:15	177:9 178:9	73:20,22 77:9	43:10 45:22
145:19 146:3	telling 68:6,11	179:8 180:8	87:6 89:19 97:8	47:20 49:17
153:2 189:1	72:6 73:16	181:1 206:8	107:22 109:5,11	52:9 53:11 54:6
213:1 220:11	130:15	232:3 251:12	124:12 129:21	64:9,19 66:4
229:16,22	temper 124:14	299:1,6,19	134:16 142:14	68:22 73:24
230:24	ten 83:11 90:8	testing 273:8	143:10 144:19	79:12,17 80:6
talking 17:23 46:8	92:3,10 182:1	Texas 60:1,4,6,9	161:3,24 186:5	82:11 84:8,13,15
48:10,23 78:6	260:15 292:3	60:21 105:15,20	196:16,20	84:16,19 85:6,19
103:22 106:5	tendered 20:15	105:24 106:12	198:17 212:5,8	86:10 87:5 88:1
107:6,9,17 120:9	23:5 24:1,22	106:16 230:23	212:10 218:1	95:1,17 96:5,16
120:11 125:24	25:22 27:3 75:8	230:24	221:4 227:13,14	97:17 99:8
128:1 140:18	147:4 150:6	text 184:8	229:15 273:2	103:24 108:11
143:15,16,17	151:16 152:10	thank 37:10 52:20	276:19 279:11	110:4,19 112:8
194:2 210:7	163:9 190:20	181:9 188:9	284:14	114:18 116:5
241:7 263:4	193:7,19 228:7	202:24 207:2	third 77:3	117:7 118:8,15
272:8 275:10	228:23	Thanks 13:6 73:1	Thirty-one 284:24	119:18 120:5,22

John Scatchell, Jr.

August 5, 2020

Page 328

122:5 123:10,19	283:14 284:21	93:1,8,15 94:17	119:9 207:19	209:7
124:6,20 125:9	293:4,8 294:12	95:22 96:4	208:15,17 209:6	truck 58:16,18,19
126:13 127:14	timeframe 54:20	97:15,20 98:16	209:20,22 214:5	58:22
129:3 131:5,10	125:3 248:16	98:18,20 100:8	217:11,13,16	true 11:13 28:23
131:19 136:23	249:16	100:10,19 103:5	218:5,6,18,20	40:24 74:21
139:18,24 141:7	timeline 261:18	104:4,5 110:1	219:6,6 222:11	76:16 77:17
143:5 144:19,24	times 40:19 56:1	113:16 114:15	256:18 268:13	148:7 149:1,15
147:22 148:4	69:15 103:14	116:1,3 117:24	290:18,19,21	162:22 185:4,17
154:6 158:2	108:20 124:14	122:15 209:5,6	traditional 214:19	194:17 206:11
159:9 160:14	142:11,17,20	209:19 213:10	traditions 64:3	286:24 287:4
161:15 182:9	160:8 201:14	214:1 224:6,8	traffic 160:9,16	294:13 299:5
190:2,6 194:14	230:7,13 242:24	225:16,21 244:4	161:10,23	truly 200:18
194:19 195:13	246:9,13,24	253:2 255:5	252:18 285:18	trust 94:15 222:13
200:15,16 201:8	247:5,15 252:10	258:19 259:11	traits 289:10	271:5
204:19 205:7,12	253:9,12 258:16	259:12,15	transcribed 299:4	Trustee 88:14
208:10 209:14	269:15 270:8	263:11,14	transcript 36:10	trusting 213:13
209:19 211:8,14	271:24 280:10	274:17,18,20	37:3 52:14	truth 6:12,12,13
213:16 215:12	283:12 285:4	276:9 277:22,24	294:11,14 299:6	268:18 298:23
216:4 217:1	291:17,24	278:2,4,6,11,17	transcripts 108:10	298:23,24
218:22 219:15	292:10,19,22	279:5 280:17	transfer 285:22	truthful 9:21 10:2
221:16 223:21	TIMOTHY 3:5	281:21,24 282:5	transferred	10:7 145:16
224:10 225:16	title 221:20	283:6,7 286:8	282:12	truthfully 7:22
226:2,23 227:3	to-wit 298:7	290:17,19 293:6	transfers 285:14	34:2 147:19
229:19 230:5	to/from 227:5	tolerable 106:19	translate 8:23	try 8:5 9:5 94:8
233:7 236:24	273:6	Tom's 115:19	transparency	182:17 207:5
238:12,13	today 8:3 9:22	ton 281:1,2	226:17,19	trying 9:12
239:22 241:10	10:4,9 35:3 38:6	Tony 182:14,20	travesty 59:14	154:21 155:1
241:15,19	46:12 48:22	182:22 183:20	treat 232:20	256:6,16
242:20 243:6,9	50:1 53:2,16	top 50:9 159:8	treated 222:13	tube 57:22
243:14,19	55:6 56:13 59:3	200:24 201:7	235:5,8 237:11	turn 22:7 84:6
244:20 245:2	62:9,15 63:8	202:16 252:15	treating 235:15	289:18
247:19,20 248:8	98:1 130:20	263:21	236:2	turned 12:23
248:11 250:12	143:3,6 192:14	topics 231:23	treatment 92:20	70:22,22 210:9
251:24 252:11	192:18 198:16	torn 200:1	226:18 240:5	Twenty 216:12
253:8,21,23	229:17,22	torture 119:22	tried 71:19,19	twilight 260:10
255:4,21 257:11	232:13	touch 225:23	93:3 94:4 96:22	two 27:6 65:14
257:24 259:19	today's 106:19	town 50:21,23	101:9 102:6	66:12 76:16
259:23 260:6,21	told 41:1,8 44:18	51:7 65:17	104:20 132:16	90:7 92:6
264:12,13	47:2 48:9 50:6	83:10,10 84:2	223:24	102:15 121:12
266:14,16	51:7 54:10,11,16	86:2,3,6,18 93:3	trip 17:2,4 183:24	135:17 144:7,9
267:24 269:7	60:1 64:9 68:21	93:5,5,13,23	184:14,23	204:19 210:24
270:21,22 272:8	79:2,5,8,9 80:2	94:18 95:1	Trombetta 215:6	211:21 216:14
272:13 279:12	80:3 82:16 86:7	96:16,18,21 97:7	216:5,17 221:2,5	267:7 284:14
281:20 282:6	86:9,20 92:24	98:22,23 102:8	trouble 155:18	two-minute 105:1

John Scatchell, Jr.

August 5, 2020

Page 329

two-thirds 26:10	263:2	267:10,21	violating 85:23	148:15 270:21
two-year-old	unit 284:17	vehicle 223:8	violation 35:18	270:22 281:4
203:8	United 1:1 206:2	verbal 201:5,9	visit 122:8,9	walked 88:8 277:8
type 61:23 91:1	294:1 298:13	verbally 201:15	209:24 218:19	walking 95:8
105:21 246:6	University 105:20	verbiage 61:3	visited 88:15	98:19 111:1
<hr/>	106:12	versa 137:13	visiting 122:10	209:24 241:6
U	unusual 8:16	227:21	Vito 14:5,13	244:11 270:13
uh-huh 8:22	unwritten 138:12	versus 136:10	15:22 16:4,8	270:14,17
101:4 199:21	207:12,14	207:19 208:20	17:18 18:7,10,14	walks 252:16
245:13 246:15	upper 151:6	246:13 247:8	52:16 64:4 74:2	want 12:12 19:17
248:7 262:2	upset 46:17 85:22	250:22	74:6,10 87:15,21	22:8,18 31:14
uncle 115:19,24	222:9 243:24,24	vice 137:13	88:2,15,23 90:21	32:17 33:7
undergo 289:2	244:2	227:20	91:1 94:13	54:17 66:20
underline 19:23	upstairs 120:9	Vice-President	269:20 270:2,6	68:9 69:10
underlings 143:17	Urso 279:10,18,19	204:18	271:6,19 272:2	72:19 75:14
understand 7:14	use 38:4 76:19	vicinity 239:10	272:11	83:15 92:19
7:20 8:9,11 9:14	144:23 149:10	242:20	Vito's 274:10	94:12 97:24
12:20 25:13	233:1,14,18,21	video 13:1,2,3,5	vocal 67:15 216:9	98:8 99:23
28:7 31:10	234:18 238:17	videos 185:7,10	vocalized 268:5	122:22 126:3,15
34:24 63:15	238:17 239:5,19	186:13,21 187:5	vote 44:7,10,11	127:3,6 132:19
78:10,15 105:18	240:16 245:24	187:15,21 188:1	244:3,5 261:12	143:13 152:20
135:5 149:9	252:23 253:6,10	videotapes 189:2	261:21 275:18	153:10 155:2
153:11 154:21	253:14 257:4	village 1:6,17 11:1	276:7,14 277:9	161:13 187:16
157:6,9,9 159:23	258:6 272:10	13:13 27:15	voted 235:3 241:9	188:10,13
160:2 207:11	284:21 291:7,18	28:2,13 29:23	243:22,24 275:3	189:16 202:5
230:9 232:4	292:1,11,20	30:16 31:3	275:6,14,15,16	217:10 231:18
235:21 246:3	useful 7:8	92:11,23 101:21	276:8,10,12,21	232:1 248:3
248:1 262:20	uses 47:7 106:4,18	114:9 138:23	276:23 277:21	250:5 254:2
understanding	257:21	139:12,20 141:2	278:3,4,7,9,11	265:8 267:18,18
13:8 15:7 88:16	usually 103:13	148:23 150:5	278:17 279:6	269:18 273:6,20
89:1 127:19	<hr/>	159:13 194:12	votes 279:16	289:11 291:14
134:3 135:24	V	194:17 205:14	voting 120:19	wanted 33:4
189:3 195:13	V-A-U-G-H-N	210:23 211:21	261:17 280:21	48:19 51:20
206:17	265:19	212:20 215:1	vs 1:5 294:5 295:4	54:2 63:21 65:9
understood 7:21	vacation 114:24	216:14 217:3	296:4 297:4	65:11 84:8
127:21 128:4	116:13	219:14,17	<hr/>	100:2 115:13
214:8 230:14	vague 27:7 238:5	220:15,22	W	161:10 210:10
undetermined	253:17	223:19 235:16	wait 47:4 59:21	213:22 246:5
298:13	vaguely 27:11	269:13 294:6	67:10,11,23	273:19,21 280:7
ungentlemanly	183:6	295:5 296:5	68:18 114:1	wants 22:21 67:14
109:7	vagueness 235:18	297:5 298:8,16	152:19,19 196:9	82:20 85:1
uniform 95:9	251:19	village's 217:21	254:8,8 292:17	118:1 252:2,3,3
138:11	Vance 136:9	VIN 224:3	waiting 266:12	271:2
union 262:22,24	Vaughn 265:8,19	violated 66:13	walk 103:11	war 54:17,24 55:1

John Scatchell, Jr.

August 5, 2020

Page 331

265:24	year 102:16	14:11 117:17	178 5:5,6	182:11,14,18,21
works 127:24	160:18 211:9,19	151:10,14,15,21	17th 73:14 114:17	183:8,20,23
worried 91:7	216:20 218:1	294:12 295:1	18 5:4 11:11,20	184:3,10,24
worries 221:7	234:4,5 240:24	1:00 1:20	104:13 267:6,6	194:20 195:6
worse 207:21	248:15 249:6,13	10 4:19	184 5:13	196:17 197:13
wouldn't 44:2	249:15 254:7,13	1000 1:18 298:9	18th 102:9	228:13 229:5
64:22 87:11	260:18 272:6	105 2:7	19 5:5 150:5	248:16 261:1
90:22 99:15	year-to-year	11 4:20 150:15	190 5:16	275:23,23
123:4 160:20	281:18	216:21	193 5:14,15	2018 10:19 33:19
220:6 292:4	years 46:10 48:24	11:00 103:12	195 2:18	111:15 146:12
wrapping 57:19	64:14 69:12	12 4:21 104:12	<hr/> 2 <hr/>	146:15 150:13
write 100:8	80:16,19 83:11	216:21	2 296:1	162:10 185:3
writing 27:10	90:8 91:5 92:3	12:00 260:7	2:00 72:24	194:7,20 195:7
203:10 299:2	92:10 94:4	1213 3:9	20 5:6,7 34:18	196:17 197:13
written 184:14,23	98:15 101:9	13 4:22 160:21	102:1 215:9	201:24 202:1,2
281:8,10,12,15	102:1 103:23	1350 2:8	20-year 283:9	205:2 233:7
282:14	132:5,15 139:16	14 4:23 160:22	2000 14:20 216:20	234:7 266:20,22
wrong 63:23	154:3 215:9	253:24 284:22	2003 91:4	266:24 267:8
127:22 128:4	216:12,21 258:3	289:4	2012 11:1 21:16	2018cv03989 1:6
226:19	280:4 281:19,20	1404 2:3	21:20 23:16	294:5 295:4
wrote 85:16	282:3,3,11	142 37:5,9,19 38:1	287:20	296:4 297:4
223:13	284:14 285:1,3	1441 3:3	2013 160:19	2020 1:19 294:12
<hr/> X <hr/>	288:6	146 5:19	249:13 289:3	294:21 298:7
X 4:1,8 5:1 6:20	yesterday 198:23	149 5:17,18	2014 90:9 91:21	299:21
231:14 272:20	yield 51:14	15 4:24 148:5	150:24	20th 31:6 36:5
285:10 291:4	young 259:22	227:18	2014-'15ish 272:8	38:16
<hr/> Y <hr/>	<hr/> Z <hr/>	1500 89:16	2015 24:12 151:4	21 5:7,8 20:8,14
yeah 8:13 10:14	zero 226:18	151 4:11	152:16 157:22	20:14,21,21,23
15:8,8 22:7,19	<hr/> 0 <hr/>	152 4:12	161:13	21:3,11 24:12
44:15 46:16	08/05/2020 20:9	16 161:20 276:3,5	2016 25:5 117:6	21st 229:5
58:12 75:13	21:24 23:20	276:6	161:6 163:17	22 5:8 21:23 22:3
85:7 115:6	24:17 25:9	163 4:13	254:15	23:4 146:11,15
117:19 120:2	26:22 36:23	165 4:14,16	2016/'17 125:3	222-7000 3:4
128:13,18	75:3 146:21	166 4:15	2017 16:20 17:1,5	228 5:21,22
132:24 137:20	149:22 151:11	17 5:3 161:21	31:7,23 32:10	22nd 89:16
140:14 161:12	152:5 163:3	260:23,24 276:2	34:18 38:17	147:13 186:6
192:5 204:12	184:19 190:17	285:1	71:8 73:14 74:1	229:5
208:7 220:18	193:4,16 198:8	170 4:17	74:4,8,16,20	23 5:9,9 23:19,23
233:11 234:20	228:3,20	171 4:18	77:22,24 78:3	24:9 79:22
245:10 247:7,14	084-002890	172 4:19	87:23 117:17	144:10
250:18 251:15	299:23	173 4:20	132:17 150:24	231 4:3,4
276:6 281:10	<hr/> 1 <hr/>	174 4:21,22	158:4,6,21	2368 147:2
291:11,23		175 4:23,24	159:10 160:5	24 5:10,10 24:16
		176 5:3,4		24:19

John Scatchell, Jr.
August 5, 2020

Page 332

248-3303 2:4	42 37:8 198:7,10	9 4:18 33:19 48:24		
24th 157:22	198:11 199:24	182:13,18,21		
299:21	200:4,23 201:4	90 19:9		
25 5:11,11 25:8,11	43 5:21 228:2,5	9th 158:6,21		
25:20	44 5:22 228:19,22	159:10 160:4		
25th 1:18 163:17	229:4	162:10 182:10		
298:9	466 77:4,7,8	185:3 197:13		
26 5:12,12 23:16	467-9800 2:15			
26:21,24	47 5:23 75:2,6,15			
272 4:4	75:24 76:8,15			
273 4:5	77:3			
2800 2:14	473-2968 3:10			
285 4:5,6	4th 225:19			
29 184:7				
291 4:6,7	5			
293 4:7 294:12	5 1:19 4:14 294:12			
2nd 182:11	50 162:22			
	500 19:22			
	515 2:14			
3	5th 298:7			
3 4:12 152:4,7				
153:12 154:15	6			
157:4 297:1				
3/31/17 26:14,16	6 4:3,15			
30 5:13 184:18,21	60143 2:19			
31 21:15,19	60402 3:3			
312 2:4,9,15 3:10	60602 2:8			
33 5:14 193:3,6,12	60603 3:10			
333 2:18	60654 2:3,15			
34 5:15 193:15,18	62 66:2,5 114:2,7			
193:24	630 2:19			
35 5:16 190:12,16				
190:19	7			
36 5:17,18,20	7 4:16			
149:21 150:2,4	702-0627 2:9			
360 2:2	708 3:4			
	75 5:23			
4	773-4774 2:19			
4 4:13 163:2,8	79 3:9			
4:00 221:14 242:9				
260:7	8			
4:01 188:19	8 4:17 25:5			
40 5:19 146:20,24	8:00 221:14			
147:7	8th 228:13 253:20			
41 5:20 36:22 37:3				
37:6	9			

John J. Scatchell v. Village of Melrose Park, et al.
Case No. 2018 C 3989

John A. Scatchell (aka “Jr.) Deposition Exhibits



EXHIBIT 1



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi ♦ Chief of Police

To: Chief Sam Pitassi

From: OFC. John A. Scatchell #23

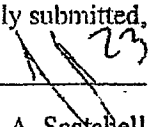
Date: 16 FEB 15

Ref: Injury

In summary, on 03 FEB 15 at 20:29, I responded to an unwanted subject call outside Gottlieb's emergency room. Upon arrival, I encountered a subject who was highly combative, making violent threats, and refusing to listen to verbal commands. OFC Loochtan #91 and I had to physically restrain the subject as he attempted re-entry into the emergency room lobby, where he was not wanted. Upon placing our hands on the subjects' arms, the subject tensed up and attempted to break free of our grasp. At that time the subject then fell forward in an attempt to break free, causing himself, myself, and OFC Loochtan to fall to the ground. The subject was then detained and taken into the hospital for a psychiatric evaluation.

I did not immediately realize any injury was sustained during the interaction, but felt discomfort in the upper back and neck region later that evening from the fall. On the following day I woke up with severe neck and back pain, with a loss of range of motion in the neck. On 05 FEB 15, I made an appointment with Dr. Paulette N. Feiereisel and notified Lt. Rogowski of the injury via text message. Dr. Feiereisel diagnosed me with a cervical strain, and provided me with a note to remain off work. I provided Lt. Rogowski with the initial note and any notes that followed, until being cleared to return to duty on 16 FEB 15.

Respectfully submitted,



OFC. John A. Scatchell #23

1 North Broadway ♦ Melrose Park, Illinois 60160 ♦ (708) 344-8409

www.mppd.com


VMP/SCATCHELL JR 110

CHIEF'S EXHIBIT ____

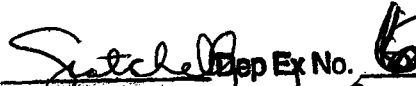
EXHIBIT 2

ILLINOIS FORM 45: EMPLOYER'S FIRST REPORT OF INJURY

Please type or print.

Employer's FEIN 36-60005996	Date of report 02/6/15	Case or File #	Is this a lost workday case? Yes
Employer's name Village of Melrose Park		Doing business as	
Employer's mailing address 1000 N. 25th AV Melrose Park IL 60160			Employer's email address
Nature of business or service Municipality			SIC code
Name of workers' compensation carrier/admin.		Policy/Contract #	Self-insured? Yes
Employee's full name John Scatchell			Birthdate 12/09/88
Employee's mailing address 912 Norwood AV Melrose Park IL 60160			Employee's e-mail address
Gender Male	Marital status Single	# Dependents 0	Employee's average weekly wage
Job title or occupation Police Patrol Officer			Date hired 09/26/12
Time employee began work 400 P.M.	Date and time of accident 02/03/15 829PM		Last day employee worked 02/03/15
If the employee died as a result of the accident, give the date of death. No		Did the accident occur on the employer's premises? No	
Address of accident 701 W. North AV Melrose Park IL 60160			
What was the employee doing when the accident occurred? Employee was at a disturbanc call at Gottlieb Hospital			
How did the accident occur? Employee struggled with a disorderly subject.			
What was the injury or illness? List the part of body affected and explain how it was affected. Pain in the back and neck described as a cervical strain.			
What object or substance, if any, directly harmed the employee? Unknown at time of report			
Name and address of physician/health care professional Paulette N Feierseisel NP			
If treatment was given away from the worksite, list the name and address of the place it was given. Westside Medical Associates 675 W. North Av Suite 330 Melrose Park IL 60160 708-450-5060			
Was the employee treated in an emergency room? Yes		Was the employee hospitalized overnight as an inpatient? Yes	
Report prepared by Steven Rogowski	Signature 	Title and telephone # Lieutenant 708-345-9029	Email address srogowski@n rkpd.com

Please send this form to: ILLINOIS WORKERS' COMPENSATION COMMISSION 4500 S. SIXTH ST. FRONTAGE ROAD SPRINGFIELD, IL 62703-5118
By law, employers must keep accurate records of all work-related injuries and illness (except for certain minor injuries). Employers shall report to the Commission all injuries resulting in the loss of more than three scheduled workdays. Filing this form does not affect liability under the Workers' Compensation Act and is not incriminatory in any sense. This information is confidential. IC45 8/12


for ID, as of **1/9/15**

VMP/SCATCHELL JR 105

CHIEF'S EXHIBIT

EXHIBIT 3

DuPage Medical Group

WE CARE FOR YOU

**WESTSIDE MEDICAL ASSOCIATES MELROSE
PARK INTERNAL MEDICINE; MEMBER OF
DUPAGE MEDICAL GROUP
675 West North Avenue
Suite 303
Melrose Park IL 60160
708-450-5060**

April 2, 2015

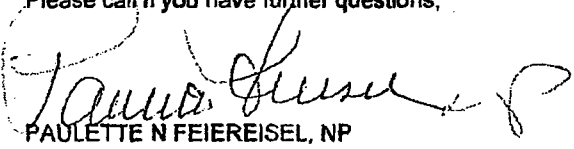
To whom it may concern:

This is to certify that John A Scatchell, date of birth: 12/9/1988:

Starting Saturday April 4th, John can return to work light duty for 4 hours a day for one week, then 6 hours a day for one week, then 8 hours a day for one week. He may return to full unrestricted duty April 24, 2015

The patient was seen on at our office today for an evaluation

Please call if you have further questions.


PAULETTE N FEIEREISEL, NP

This letter (including any attachments) contains confidential information intended only for the addressee. Any use or disclosure by any other person is unlawful. If you are not the intended recipient, please notify our office immediately (630-469-9200) and we will make arrangements for the return of the information to DuPage Medical Group. You are hereby notified that any disclosure, copying, or distribution of this letter, or the taking of any action based on it, is strictly prohibited by law.

John A Scatchell, GE11793006, 12/9/1988

VMP/SCATCHELL JR 118

CHIEF'S EXHIBIT ____

EXHIBIT 4

LYME DISEASE, TOTAL AB W RFLX (Resulted 12/9/2016, Abnormal)
B. BURGDOFFER AB, IGM BY WESTERN BLOT REFLEX (Resulted 12/12/2016)
CBC W/ DIFFERENTIAL (Resulted 12/9/2016)
CBC WITH DIFFERENTIAL WITH PLATELET (Resulted 12/9/2016)
LYME DISEASE ANTIBODY
LYME DISEASE ANTIBODY
LYME DISEASE ANTIBODY
OFFICE/OUTPT VISIT,EST,LEVL III

Medication Changes

As of 12/9/2016 3:04 PM

	Refills	Start Date	End Date
Added: Doxycycline Hyclate 100 MG Oral Tab	0	12/9/2016	12/19/2016
Take 1 tablet (100 mg total) by mouth 2 (two) times daily. - Oral			

Visit Diagnoses

Rash R21

John A Scatchell

8/25/2016 12:30 PM Office Visit
MRN: GE11793006

Description: 27 year old male Provider: Sandoval, Maryam, MD Department: Brush Hill Im

Scanning Cover Sheet

Click to print Barcode Encounter Cover Sheet for scanning

Scatchell, John A

MRN: GE11793006
Description: 27 year old male

Office Visit 8/25/2016
DMG INTERNAL MEDICINE -
ELMHURST, BRUSH HILL

Provider: Sandoval, Maryam, MD (Internal Medicine)
Primary diagnosis: Reactive cervical lymphadenopathy
Reason for Visit: Therapeutic Management

Reason for Visit

Therapeutic Management

Progress Notes

Sandoval, Maryam, MD (Physician) • Internal Medicine

John A Scatchell is a 27 year old male.

CC:

Patient presents with:

Therapeutic Management

HPI:

27 yo male. Asked to be seen acutely. Reports noticing a uncomfortable lump on his left anterior neck (below jawline) for 3 days. No sore throat or cough. No recent fevers. Has chronic allergies and using flonase and singulair daily. Also, had felt a bump on his lower back of neck a few days ago that has now disappeared. Became alarmed after looking up causes on Web MD and decided to seek care. No weight loss. No diaphoresis or night sweats. Appetite is good. No sick exposures

Current Outpatient Prescriptions:

Fluticasone Propionate (FLONASE) 50 MCG/ACT Nasal Suspension	PLACE 1 SPRAY IN EACH NOSTRIL TWICE DAILY	Disp: 1 Bottle Rfl: prn
Montelukast Sodium (SINGULAIR) 10 MG Oral Tab	TAKE 1 TABLET BY MOUTH EVERY EVENING	Disp: 90 tablet Rfl: 3

Past Medical History**Diagnosis**

- Allergic rhinitis

Date

Social History:

Smoking Status: Never Smoker
Smokeless Status: Never Used
Alcohol Use: No

REVIEW OF SYSTEMS:**GENERAL HEALTH:** No fever. No chills. No diaphoresis**ENT:** No sore throat or congestion**RESPIRATORY:** No shortness of breath. No cough. No wheezing**GI:** No abdominal pain. No diarrhea. No constipation. No N/V. Appetite good**SKIN:** no rash or itching**EXAM:**

BP 98/65 mmHg | Pulse 75 | Temp(Src) 98.2 °F (36.8 °C) | Wt 224 lb (101.606 kg)

GENERAL: young, pleasant white male in no distress**HEENT:** Normocephalic, no visual deficits, no pharyngeal exudates, +posterior pharynx cobblestoning**NECK:** very minimal small mobile left anterior chain cervical LN tenderness**LUNGS:** Clear to auscultation bilaterally. No wheezes. No crackles.**SKIN:** No rash. No suspicious lesions.**ASSESSMENT AND PLAN:**

Diagnoses and all orders for this visit:

Reactive cervical lymphadenopathy in a patient with Allergic rhinitis

Reassured pt in great length.

No evidence of abnormal lymphadenopathy.

Asked pt to stop massaging and palpating the LN to prevent enlargement/reactive reaction.

No signs of infection and no need for oral abx at this time.

-motrin prn pain

-hydration

-will call with any acute changes.

Orders Placed This Encounter

EST Lev II [99212]

Meds & Refills for this Visit:

No prescriptions requested or ordered in this encounter

Imaging & Consults:

None

Maryam Sandoval, MD

Instructions

DMG AFTER VISIT SUMM (Automatic SnapShot taken 8/25/2016)

Additional Documentation

Vitals: BP 98/65 Pulse 75 Temp 98.2 °F (36.8 °C) Wt 224 lb BMI 34.06 kg/m² BSA 2.14 m²

More Vitals

Flowsheets: Custom Formula Data, DMG TEMP FOR BP BPA COMPARE

Encounter Info: Billing Info, History, Allergies, Detailed Report

Encounter Status

Electronically signed by Sandoval, Maryam, MD on 8/25/16 at 2:00 PM

Additional Encounter Details

Scanning Cover Sheet

All Scans

Questionnaire Details

Referral Information

Elm Time Out

Administrative Information

Coding Query

SmartForms

No SmartForms are associated with this patient.

Infusion Orders

No relevant orders to display.

Medication Waste Documentation

No orders found for this encounter

Orders Placed

OFFICE/OUTPT VISIT,EST,LEVL II

Medication Changes

As of 8/25/2016 12:16 PM

None

Visit Diagnoses

Reactive cervical lymphadenopathy R59.0

Allergic rhinitis due to other allergic trigger J30.89

EXHIBIT 5

Orders Placed

CBC WITH DIFFERENTIAL WITH PLATELET (Resulted 10/31/2017, Abnormal)
 COMP METABOLIC PANEL (14) (Resulted 10/31/2017)
 SED RATE, WESTERGREN (AUTOMATED) (Resulted 10/31/2017)
 OFFICE/OUTPT VISIT,EST,LEVL III

Medication Changes

As of 10/31/2017 3:59 PM

	Refills	Start Date	End Date
Added: predniSONE 20 MG Oral Tab	0	10/31/2017	11/7/2017
Take 1 tablet (20 mg total) by mouth 2 (two) times daily. - Oral			
Calcipotriene			
Discontinued: Calcipotriene 0.005 % External Solution (Patient discontinued)			
Discontinued: CALCIPOTRIENE 0.005 % External Cream (Patient discontinued)			
Discontinued: Clindamycin Phosphate 1 % External Lotion (Patient discontinued)			
Clobetasol Propionate			
Discontinued: Clobetasol Propionate 0.05 % External Cream (Duplicate therapy)			
Discontinued: Clobetasol Propionate 0.05 % External Solution (Patient discontinued)			

Visit Diagnoses

Neck fullness R22.1
 Cervical radiculopathy M54.12

Immunizations Given

Not given: Influenza Vaccine Refused Deferred (Patient Refused)

John A Scatchell

1/12/2017 1:00 PM Office Visit
 MRN: GE11793006

Description: 28 year old male Provider: Sandoval, Maryam, MD Department: Brush Hill Im

Scanning Cover Sheet

Click to print Barcode Encounter Cover Sheet for scanning

Scatchell, John A

MRN: GE11793006
 Description: 28 year old male

Office Visit 1/12/2017
 DMG INTERNAL MEDICINE -
 ELMHURST, BRUSH HILL

Provider: Sandoval, Maryam, MD (Internal Medicine)
 Primary diagnosis: Guttate psoriasis
 Reason for Visit: Rash

Reason for Visit

Rash

Progress Notes

Sandoval, Maryam, MD (Physician) • Internal Medicine

John A Scatchell is a 28 year old male.
 CC:

Patient presents with:
Rash

HPI:

28 yo male.

No significant improvement in rash that developed one month ago. Diagnosed with "guttate psoriasis" at NVMH. Unable to return due to insurance restrictions.

Finished course of doxycycline and remains on topical steroidal creams bid. Lesions are not itchy. Slight reduction in anterior torso but worsened on arm and legs.

Tried tanning but did not notice a great change. Frustrated with lack of change. Has not touched base with derm at NW.

Current Outpatient Prescriptions:

Fluticasone Propionate 50 MCG/ACT Nasal Suspension	1 spray by Nasal route 2 (two) times daily as needed for Rhinitis.	Disp: 1 Bottle Rfi: prn
Montelukast Sodium 10 MG Oral Tab	Take 1 tablet (10 mg total) by mouth daily.	Disp: 90 tablet Rfi: 3
Fexofenadine HCl (ALLEGRA ALLERGY) 180 MG Oral Tab	Take 180 mg by mouth daily.	Disp: Rfi:

Past Medical History

Diagnosis

Date

- Allergic rhinitis

Social History:

Smoking Status: Never Smoker

Smokeless Status: Never Used

Alcohol Use: No

REVIEW OF SYSTEMS:

GENERAL HEALTH: No fever. No chills.

ENT: No sore throat or congestion

RESPIRATORY: No shortness of breath. No cough. No wheezing

CARDIOVASCULAR: No chest pain. No palpitations.

GI: No abdominal pain. No diarrhea. No constipation. No N/V. Appetite good

MS: No joint swelling, no warmth, no tenderness

SKIN: Non itchy rash.

EXAM:

Temp(Src) 98.2 °F (36.8 °C) (Oral) | Wt 220 lb (99.791 kg)

GENERAL: pleasant young male

HEENT: Normocephalic, no visual deficits, no pharyngeal exudates

NECK: No lymphadenopathy or masses palpable

LUNGS: Clear to auscultation bilaterally. No wheezes. No crackles.

SKIN: multiple, wide spread lesions on arms, legs, frontal scalp and torso (slightly raised erythematous lesions that are scaly and annular appearing)

ASSESSMENT AND PLAN:

Diagnoses and all orders for this visit:

Guttate psoriasis

- EVALUATE & TREAT, DERM (DMG)

Will refer to derm.

Will call in names of topical creams prescribed at NWMH.

Meds & Refills for this Visit:

No prescriptions requested or ordered in this encounter

Imaging & Consults:

EVALUATE & TREAT, DERM (DMG)

Maryam Sandoval, MD

Instructions

DMG AFTER VISIT SUMM (Automatic SnapShot taken 1/12/2017)

Additional Documentation

Vitals: Temp 98.2 °F (36.8 °C) (Oral) Wt 220 lb BMI 33.45 kg/m² BSA 2.13 m²

Flowsheets: Custom Formula Data, CAGE Flowsheet, PHQ2 Depression Screen

Encounter Info: Billing Info, History, Allergies, Detailed Report

Encounter Status

Electronically signed by Sandoval, Maryam, MD on 1/12/17 at 2:09 PM

Additional Encounter Details

Scanning Cover Sheet

All Scans

Questionnaire Details

Referral Information

Elm Time Out

Administrative Information

Coding Query

SmartForms

No SmartForms are associated with this patient.

Infusion Orders

No relevant orders to display.

Medication Waste Documentation

No orders found for this encounter

Orders Placed

EVALUATE & TREAT, DERM (DMG) Authorized
OFFICE/OUTPT VISIT,EST,LEVL II

Medication Changes

As of 1/12/2017 1:05 PM

None

EXHIBIT 6

CONFIDENTIAL**John A Scatchell**10/31/2017 3:00 PM Office Visit
MRN: GE11793006

Description: 28 year old male Provider: Sandoval, Maryam, MD Department: Brush Hill Jm

Scanning Cover Sheet

Click to print Barcode Encounter Cover Sheet for scanning

Scatchell, John AMRN: GE11793006
Description: 28 year old maleOffice Visit 10/31/2017
DMG INTERNAL MEDICINE -
ELMHURST, BRUSH HILLProvider: Sandoval, Maryam, MD (Internal Medicine)
Primary diagnosis: Neck fullness
Reason for Visit: Neck Pain**Reason for Visit**

Neck Pain

Progress Notes

Sandoval, Maryam, MD (Physician) • Internal Medicine

John A Scatchell is a 28 year old male.

CC:

Patient presents with:
Neck Pain**HPI:**

28 yo male who was asked to be seen for acute visit. Accompanied by his parents.
Pt reports waking up with severe right sided neck pain 3 days ago with radiation to shoulder, down arms to finger tips. Associated with numbness and tingling. Unable to recall any kind of trauma, heavy lifting, pushing or pulling. Has been very relaxed and on vacation. Has a very firm, comfortable mattress and pillow.
Additionally, has noticed bulging of muscles in his neck as compared to the left side. Pain free while flat in bed. Worse with movement.
No fevers or chills. No sore throat, cough, ear pressure or rash.
Was being treated with Stelara injections but with resolution of his skin changes, injections were stopped over 2 months ago.

Current Outpatient Prescriptions:

prednisONE 20 MG Oral Tab	Take 1 tablet (20 mg total) by mouth 2 (two) times daily.	Disp: 14 tabletRf: 0
FLUTICASONE PROPIONATE 50 MCG/ACT Nasal Suspension	USE 1 SPRAY NASALLY TWICE DAILY AS NEEDED	Disp: 1 Bottle Rf: 5
Montelukast Sodium 10 MG Oral Tab	Take 1 tablet (10 mg total) by mouth daily.	Disp: 30 tabletRf: 1
Fexofenadine HCl (ALLEGRA ALLERGY) 180 MG Oral Tab	Take 180 mg by mouth daily.	Disp: Rf:

Past Medical History:

Diagnosis

• Allergic rhinitis

Date

Social History:

EXHIBIT *Rhinitis*
WIT: *SANDOVAL*
DATE: *10-2-18*

MPD/SCATCHELL 383

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2138

CONFIDENTIAL

Smoking status: Never Smoker

Smokeless tobacco: Never Used

Alcohol use: No

REVIEW OF SYSTEMS:

GENERAL HEALTH: No fever. No chills. No diaphoresis

ENT: No sore throat or congestion

RESPIRATORY: No shortness of breath. No cough. No wheezing

CARDIOVASCULAR: No chest pain. No palpitations.

GI: No abdominal pain. No diarrhea. No constipation. No N/V. Appetite good

MS: Right sided neck pain with radiation down right arm to finger tips

PSYCH: No anxiety. No depression.

SKIN: No lesions. No rash.

EXAM:

BP 107/65 | Pulse 99 | Temp 98 °F (36.7 °C) | Wt 228 lb (103.4 kg) | BMI 34.67 kg/m²

GENERAL: Young male, pain with head movement. No distress otherwise

HEENT: Normocephalic, no visual deficits, no pharyngeal exudates

NECK: No lymphadenopathy or masses palpable

LUNGS: Clear to auscultation bilaterally. No wheezes. No crackles.

CARDIO: S1 S2, regular, no S3, no murmurs

MS: No vertebral tenderness, right paracervical tenderness and right neck fullness without lymphadenopathy or reproducible pain

NEURO: Normal triceps and biceps reflexes in bilateral upper ext

No tremors or weakness noted.

SKIN: No rash. No suspicious lesions.

ASSESSMENT AND PLAN:

Diagnoses and all orders for this visit:

Cervical radiculopathy with

Neck fullness

No reproducible tenderness or lymphadenopathy.

Positional pain which is radiating most consistent with cervical nerve impingement.

No superimposed infectious sx's or findings noted.

In light of hx of stelara use (but cessation 2 months ago), will check labs including ESR and CBC.

Hold off on imaging.

One week course of prednisone.

If not better, may need to pursue imaging.

Asked pt to call with any change in sx's and with update.

No heavy lifting, pushing or pulling. Will be on vacation until 11/8.

Other orders

- INFLUENZA REFUSED DMG
- predniSONE 20 MG Oral Tab; Take 1 tablet (20 mg total) by mouth 2 (two) times daily.

Annual Physical due on 12/09/1980

Influenza Vaccine(1) due on 09/01/2017

Annual Depression Screen due on 01/12/2018

Orders Placed This Encounter

CBC With Differential With Platelet

MPD/SCATCHELL 384

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2139

Comp Metabolic Panel (14)
Sed Rate, Westergren (Automated)
INFLUENZA REFUSED DMG

CONFIDENTIAL

Meds & Refills for this Visit:

Signed Prescriptions

Disp	Refills
14	0
tablet	

prednISONE 20 MG Oral Tab

Sig: Take 1 tablet (20 mg total) by mouth 2 (two) times daily.

Imaging & Consults:

INFLUENZA REFUSED DMG

Maryam Sandoval, MD

Instructions

After Visit Summary (Printed 10/31/2017)

Additional Documentation

Vitals: BP 107/65 Pulse 99 Temp 98 °F (36.7 °C) Wt 228 lb BMI 34.67 kg/m² BSA 2.16 m²

More Vitals

Flowsheets: Custom Formula Data, DMG TEMP FOR BP BPA COMPARE

Encounter Info: Billing Info, History, Allergies, Detailed Report

Encounter Status

Electronically signed by Sandoval, Maryam, MD on 10/31/17 at 9:20 PM

Additional Encounter Details

Scanning Cover Sheet

All Scans

Questionnaire Details

Referral Information

Elm Time Out

Administrative Information

Coding Query

SmartForms

No SmartForms are associated with this patient.

Infusion Orders

No relevant orders to display.

Medication Waste Documentation

MPD/SCATCHELL 385

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2140

Orders Placed

CBC WITH DIFFERENTIAL WITH PLATELET (Resulted 10/31/2017, Abnormal)
 COMP METABOLIC PANEL (14) (Resulted 10/31/2017)
 SED RATE, WESTERGREN (AUTOMATED) (Resulted 10/31/2017)
 OFFICE/OUTPT VISIT, EST, LEVL III

CONFIDENTIAL**Medication Changes**

As of 10/31/2017 3:59 PM

	Refills	Start Date	End Date
Added: prednISONE 20 MG Oral Tab	0	10/31/2017	11/7/2017
Take 1 tablet (20 mg total) by mouth 2 (two) times daily. - Oral			
Calcipotriene			
Discontinued: Calcipotriene 0.005 % External Solution (Patient discontinued)			
Discontinued: CALCIPOTRIENE 0.005 % External Cream (Patient discontinued)			
Discontinued: Clindamycin Phosphate 1 % External Lotion (Patient discontinued)			
Clobetasol Propionate			
Discontinued: Clobetasol Propionate 0.05 % External Cream (Duplicate therapy)			
Discontinued: Clobetasol Propionate 0.05 % External Solution (Patient discontinued)			

Visit Diagnoses

Neck fullness R22.1
 Cervical radiculopathy M54.12

Immunizations Given

Not given: Influenza Vaccine Refused Deferred (Patient Refused)

John A Scatchell

1/12/2017 1:00 PM Office Visit
 MRN: GE11793006

Description: 28 year old male Provider: Sandoval, Maryam, MD Department: Brush Hill Inn

Scanning Cover Sheet

Click to print Barcode Encounter Cover Sheet for scanning

Scatchell, John A

MRN: GE11793006
 Description: 28 year old male

Office Visit 1/12/2017
 DMG INTERNAL MEDICINE -
 ELMHURST, BRUSH HILL

Provider: Sandoval, Maryam, MD (Internal Medicine)
 Primary diagnosis: Guttate psoriasis
 Reason for Visit: Rash

Reason for Visit

Rash

Progress Notes

Sandoval, Maryam, MD (Physician) - Internal Medicine

John A Scatchell is a 28 year old male.
 CC:

MPD/SCATCHELL 386

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2141

EXHIBIT 7

Scatchell, John A (MR # GE11793006)

Encounter Date: 03/10/2015

I sent you the note via MyChart. Let me know if you need a note to return to work too.
Hope you continue to feel better with rest and the new medications. These neck problems can drag on for weeks but should definitely improve over the next week.
Keep me posted.

3:53 PM

Dr. S

Last read by John A Scatchell at 5:02 PM on 11/9/2017.

CONFIDENTIAL

Cozzi, Karen, CMA routed this conversation to Sandoval, Maryam, MD

3:31 PM

John A Scatchell to Maryam Sandoval, MD

I'm not sure, I still haven't improved much. Last night I felt better and today not so much. Maybe until Friday and see how I feel as the week progresses?

11:35 AM

Sandoval, Maryam, MD to John A Scatchell

I would be happy to give you a note.
Do you want to shoot for a return next week?
Mon? Tuesday? Later?
Just write me back ASAP and I will draft the letter and send it to you via MyChart.

11:28 AM

Best,
Dr. Sandoval

Last read by John A Scatchell at 11:29 AM on 11/9/2017.

EXHIBIT **CHRE'S 2**
WIT: **SANDOVAL**
DATE: **10-2-19**

November 8, 2017

Gibson, Regina routed this conversation to Sandoval, Maryam, MD

9:39 AM

Gibson, Regina

Note

9:38 AM

From: John A Scatchell
To: Sandoval, Maryam, MD
Sent: 11/7/2017 9:24 PM CST
Subject: Visit Follow-up Question

Hi Dr, sorry we've been playing phone tag the last day or so. I picked up both prescriptions and started those this evening. Would it be possible to have a note for

MS 021

Scatchell, John A (MR # GE11793006) Printed by Biggs, Fay K. [7313] at 5/22/18 2:4... Page 20 of 66

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2142

Scatchell, John A (MR # GE11793006)

Encounter Date: 03/10/2015

work? I am supposed to return to work on Thursday the 9th. As of now I'm still in a lot of pain and have been using the heating pad often. The swelling has gone down a little, but it is still visible and the numbness/tingling sensation has been more prevalent in recent days down my right shoulder and arm.

November 7, 2017

CONFIDENTIAL

John A Scatchell to Maryam Sandoval, MD



Hi Dr, sorry we've been playing phone tag the last day or so. I picked up both prescriptions and started those this evening. Would it be possible to have a note for work? I am supposed to return to work on Thursday the 9th. As of now I'm still in a lot of pain and have been using the heating pad often. The swelling has gone down a little, but it is still visible and the numbness/tingling sensation has been more prevalent in recent days down my right shoulder and arm.

9:24 PM

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Communications

☒ Letter sent to John A Scatchell
Sent 11/9/2017

Encounter Status

Closed by Sandoval, Maryam, MD on 11/9/17 at 3:53 PM

Additional Encounter Details

Scanning Cover Sheet
All Scans
Questionnaire Details
Administrative

Orders Placed

None

Medication Renewals and Changes

As of 11/9/2017 3:53 PM

None

Visit Diagnoses

None

John A Scatchell11/6/2017 Telephone
MRN: GE11793006

Description: 28 year old male Provider: Sandoval, Maryam, MD Department: Highland Internal MHS 022

Scatchell, John A (MR # GE11793006) Printed by Biggs, Fay K. [7313] at 5/22/18 2:4... Page 21 of 66

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2143

EXHIBIT 8

Name: John A. Scatchell | DOB: 12/9/1988 | MRN: GE11753006 | PCP: MARYAM SANDOVAL, MD

Letter Details

DuPage Medical Group
WE CARE FOR YOU

DMG INTERNAL MEDICINE - ELmhurst,
BRUSH HILL
133 Brush Hill Road
Suite 401
Elmhurst IL 60126
630-832-2020

CONFIDENTIAL

November 9, 2017

To whom it may concern:

I am the primary care physician for your employee, Mr. John Scatchell. He was seen and evaluated by myself in the office for an acute musculoskeletal condition that has not yet resolved. He remains on active treatment and has been advised to continue to rest at home. Please excuse the patient from work until further notice.

Thank you for your understanding and cooperation. Please call with any remaining questions.

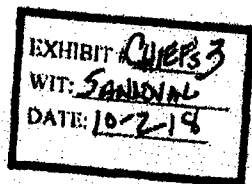
Sincerely,

Maryam N. Sandoval, MD

This letter was initially viewed by John A Scatchell at 11/9/2017 4:30 PM.

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Scatchell, J. A. Dep Ex No. *2*
for ID, as of *11/9/18*



VMP/SCATCHELL JR 120

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2144

EXHIBIT 9

Scatchell, John A (MR # GE11793006)

Encounter Date: 03/10/2015

Cozzi, Karen, CMA routed this conversation to Sandoval, Maryam, MD

11/21/17 3:24 PM

Cozzi, Karen, CMA

Note

11/21/17 3:24 PM

From: John A Scatchell
 To: Sandoval, Maryam, MD
 Sent: 11/21/2017 2:07 PM CST
 Subject: Visit Follow-up Question

CONFIDENTIAL

Hi Dr Sandoval,

I just wanted to touch base with you. I still have a considerable amount of pain, particularly if I don't take any pills for a prolonged period of time. The numbness in my right arm comes and goes all day. Also if I move my neck too fast or too far, I get a quick shooting sensations down my whole arm. I haven't been engaged in really any activity at all except stretches and have been applying heat/cold around the clock.

John A Scatchell to Maryam Sandoval, MD

Hi Dr Sandoval,

11/21/17 2:07 PM

I just wanted to touch base with you. I still have a considerable amount of pain, particularly if I don't take any pills for a prolonged period of time. The numbness in my right arm comes and goes all day. Also if I move my neck too fast or too far, I get a quick shooting sensations down my whole arm. I haven't been engaged in really any activity at all except stretches and have been applying heat/cold around the clock.

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Encounter Status

Closed by Sandoval, Maryam, MD on 11/21/17 at 3:56 PM

Additional Encounter Details

Scanning Cover Sheet
 All Scans
 Questionnaire Details
 Administrative

EXHIBIT CHIEF 4
 WIT SANDOVAL
 DATE: 10-2-19

Orders Placed

EMG/NCV TEST(S), PHYSIATRY (DMG) Authorized

MS 018

Scatchell, John A (MR # GE11793006) Printed by Biggs, Ray K. [7313] at 5/22/18 2:4... Page 17 of 66

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2145

EXHIBIT 10

Scatchell, John A (MR # GE11793006)

Encounter Date: 03/10/2015

Best,
Dr. Sandoval

Last read by John A Scatchell at 12:47 PM on 11/27/2017.

Cozzi, Karen, CMA routed this conversation to Sandoval, Maryam, MD

7:12 AM

Cozzi, Karen, CMA

Note

7:12 AM

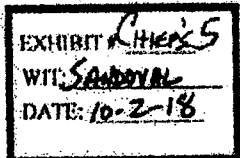
From: John A Scatchell
To: Sandoval, Maryam, MD
Sent: 11/26/2017 9:52 PM CST
Subject: Visit Follow-up Question

CONFIDENTIAL

Hi Dr Sandoval,

I scheduled my appointment the day you messaged me. The earliest that they could get me in at any of their locations is December 4th, so that's the date I took. Would it be possible to get an updated Dr's note for work that allows me to do light exercise? I feel the best after I stretch and then apply heat/cold. The last few days has been better on the pain, but the numbness still persists.

Thanks



November 26, 2017

John A Scatchell to Maryam Sandoval, MD

Hi Dr. Sandoval,

9:52 PM

I scheduled my appointment the day you messaged me. The earliest that they could get me in at any of their locations is December 4th, so that's the date I took. Would it be possible to get an updated Dr's note for work that allows me to do light exercise? I feel the best after I stretch and then apply heat/cold. The last few days has been better on the pain, but the numbness still persists.

Thanks

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Communications

MS 016

Scatchell, John A (MR # GE11793006) Printed by Biggs, Fay K. [7313] at 5/22/18 2:4... Page 15 of 66

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2146

EXHIBIT 11

Scatchell, John A (MR # GE11793006)

Encounter Date: 03/10/2015

John A Scatchell

11/27/2017 Patient Email
MRN: GE11793006

Description: 28 year old male Provider: Sandoval, Maryam, MD Department: Brush Hill Im

Scatchell, John A

MRN: GE11793006
Description: 28 year old male

Patient Email 11/27/2017
DMG INTERNAL MEDICINE -
ELMHURST, BRUSH HILL

Provider: Sandoval, Maryam, MD (Internal Medicine)

Conversation: Visit Follow-up Question

(Newest Message First)

Sandoval, Maryam, MD

Note

11/27/17 6:28 PM

Already called pt and sent new letter.

Cozzi, Karen, CMA routed this conversation to Sandoval, Maryam,
MD

11/27/17 1:17 PM

Cozzi, Karen, CMA

Note

11/27/17 1:17 PM

From: John A Scatchell
To: Sandoval, Maryam, MD
Sent: 11/27/2017 12:43 PM CST
Subject: Visit Follow-up Question

CONFIDENTIAL

Hi Dr Sandoval,

Sorry to be a bother. I was hoping to remain off work and be able to exercise lightly (walking/stretching/light cardio) until the results of the test on the 4th. Light duty at work would entail me sitting around all day and doing almost nothing. I did light duty the last time I was hurt a few years ago and sitting around all day in a chair made me feel worse.

EXHIBIT *CHIEF'S*
WIT *SANDOVAL*
DATE: *10-2-18*

John A Scatchell to Maryam Sandoval, MD



Hi Dr Sandoval,

11/27/17 12:43 PM

Sorry to be a bother. I was hoping to remain off work and be able to exercise lightly (walking/stretching/light cardio) until the results of the test on the 4th. Light duty at work would entail me sitting around all day and doing almost nothing. I did light duty

MS 014

EXHIBIT 12

Name: John A. Scatchell | DOB: 12/9/1988 | MRN: GE11793006 | PCP: MARYAM SANDOVAL, MD

Letter Details

DuPage Medical Group
WE CARE FOR YOU

**DWG INTERNAL MEDICINE - LOMBARD,
HIGHLAND AVENUE
2340 Highland Avenue, Suite 210
Lombard IL 60148
630-332-2520**

November 27, 2017

To whom it may concern:

I am the primary care physician for your employee, Mr. John Scatchell.

The patient remains under my care for an ongoing medical problem which has improved but not resolved. He has been advised to resume light exercises and may walk outside of his home. However, he is not able to return to his full time work pending completion and review of ordered tests.

Thank you for your understanding and cooperation. Please call with any remaining questions.

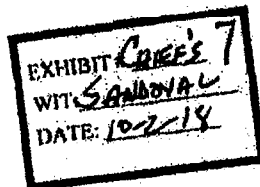
Sincerely,

Maryam N. Sandoval, MD

CONFIDENTIAL

This letter was initially viewed by John A Scatchell at 11/27/2017 6:19 PM.

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Scatchell Dep Ex No. 10
for ID, as of 11/9/18

VMP/SCATCHELL JR 121

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2148

EXHIBIT 13

Scatchell, John A (MR # GE11793006)

Concentric needle EMG reveals evidence of increased insertional activity, membrane irritability, in the right deltoid where recruitment is slightly diminished

Conclusion

No root pattern is identified, EMG testing findings of this electrodiagnostic study are limited to the right deltoid and suggestive of possible partial right C5 and/or C6 root irritability

Plan P/u Dr Sandoval

Ellen Voronov, M.D.

CONFIDENTIAL

Instructions

After Visit Summary (Automatic SnapShot taken 12/4/2017)

Additional Documentation

Vitals: Wt 228 lb (103.4 kg) BMI 34.67 kg/m² BSA 2.16 m² More Vitals
Flowsheets: Custom Formula Data
Encounter Info: Billing Info, History, Allergies, Detailed Report

Communications

 Chart Routed to Sandoval, Maryam, MD

Encounter Status

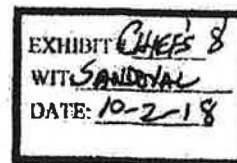
Electronically signed by Voronov, Ellen I, MD on 12/4/17 at 10:46 PM

Encounter Reviewed By

Sandoval, Maryam, MD on 12/5/2017 12:26 PM

Additional Encounter Details

Scanning Cover Sheet
All Scans
Questionnaire Details
Referral Information
Elm Time Out
Administrative Information
Coding Query



SmartForms

No SmartForms are associated with this patient.

Infusion Orders

No relevant orders to display.

MS 095

Scatchell, John A (MR # GE11793006) DOB: 12/09/1988 Printed by [11996] at 7/25/18 8:51 AM

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2149

EXHIBIT 14

Scatchell, John A (MR # GE11793006)

Encounter Date: 03/10/2015

I sent the letter to you via MyChart.
Hope it works.

12/15/17 3:59 PM



Best,
Dr. S

Last read by John A Scatchell at 4:25 PM on 12/15/2017.

Lieb, Elizabeth J, RN routed this conversation to Sandoval, Maryam, MD

12/15/17 3:30 PM



Lieb, Elizabeth J, RN

Note

12/15/17 3:29 PM



From: John A Scatchell
To: Sandoval, Maryam, MD
Sent: 12/15/2017 3:14 PM CST
Subject: Visit Follow-up Question

CONFIDENTIAL

Hi Dr,

I just received a little clarification. If you could just let them know that I'm still under care right now and cannot return to full police duties yet. I would like to return to work in a light duty capacity at this time though. Also as far as the travel, anything along the lines of traveling/flying should not adversely affect my medical condition. Thank you so much, talk to you soon.

EXHIBIT *CHIEF'S 9*
WIT: *SANDOVAL*
DATE: *10-2-18*

John A Scatchell to Maryam Sandoval, MD



Hi Dr,

12/15/17 3:14 PM

I just received a little clarification. If you could just let them know that I'm still under care right now and cannot return to full police duties yet. I would like to return to work in a light duty capacity at this time though. Also as far as the travel, anything along the lines of traveling/flying should not adversely affect my medical condition. Thank you so much, talk to you soon.

Additional Documentation

Encounter Info: Billing Info, History, Allergies, Detailed Report

Communications

☒ Letter sent to John A Scatchell

MS 008

Scatchell, John A (MR # GE11793006) Printed by Biggs, Fay K. [7313] at 5/22/18 2:47 P... Page 7 of 66

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2352

EXHIBIT 15

11:57



Urso



Tue, Nov 7, 8:26 PM

Hey LT. Not sure if Dad told you, but my neck is really fucked up. I'm gonna be on injury in a couple days, so I gave both of my days (14th and 22nd) to Jimmy. I'm not sure if I'll be back or not for December. They've had me on steroids for the last week, now they put me on anti inflammatory and muscle relaxers. Gotta go for an X-ray tomorrow or Thursday.

OK didn't know, im Florida for the week, just take care, no problem

Thanks LT, have fun 🌴

Tue, Nov 14, 3:54 PM

You going to this Jagoff meeting

Yeah

Alone or with your pal?



iMessage



EXHIBIT 16



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Chief of Police

TO: Officer John Scatchell # 23
FROM: Michael Castellan
Deputy Chief of Police
Date: December 4, 2017
Subject: Days off Request

I received a memorandum from Sergeant Schillinger advising you requested to take time off for vacation. Your current status was examined. Since your situation involves medical leave, I consulted with legal counsel for the village of Melrose Park.

Due to the fact you are on medical leave and unable to report to duty for your scheduled shift, your request must be denied.

Sincerely,

Deputy Chief Michael A. Castellan

Michael Castellan
Deputy Chief of Police

CC: Director Sam Pitassi
Lt. Nunzio Maiello
Sgt. John Schillinger

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Scatchell Dep Ex No. 11
for ID, as of 1/9/18

VMP/SCATCHELL JR 123

EXHIBIT 17



MPPD



Johnny



Tue, Dec 5, 2:18 PM

So the procedure yesterday showed that my numbness is coming from my c5-c6 in my neck. Going for an MRI today. Just wanted to keep you both informed.

chat114503678749724831



Ok

EXHIBIT 18

VMP/JJS 2150

EXHIBIT 19



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Chief of Police

TO: Officer John Scatchell Jr.
FROM: Sam C. Pitassi
Director of Police
Date: February 13, 2018
Subject: Authority Release of Medical Records

In light of your agreement to sign an authorization for us to receive your medical records, and also recognizing that your attorneys have apparently agreed upon the language, you are hereby ordered to complete and sign the attached Authorization for Release of Medical Records and return the original of the completed and signed document to Deputy Chief Michael Castellan on or before 1:00 p.m. on Friday, February 16, 2018. You are further ordered not to hinder or interfere, in any way, with the medical providers regarding their submission of such records.

Of course, please feel free to call if you would like discuss it further.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam C. Pitassi", written over a horizontal line.

Sam C. Pitassi
Director of Police

CC: Michael Castellan
Deputy Chief of Police

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CHIEF'S EXHIBIT ____



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Chief of Police

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

Patient Identification

Printed Name: _____

Date of Birth: _____

Address: _____

Last four digits of Social Security #: _____

Authority for Limited Release of Protected Health Information by the Health Care Providers Listed Below:

I, John Scatchell, Jr., hereby authorize the Custodian of Medical Records ("Medical Provider"), _____, to release the information identified in this authorization form for the partial and limited release of my medical records since September 1, 2012, and to provide such information to the following people only: Jeffrey S. Fowler or Joseph Gagliardo of Laner Muchin, Ltd., 515 N. State St., Suite 2800, Chicago, Illinois 60654, or any representative thereof.

The following information is to be released

A **Certified Copy** of the limited health and medical records file, which shall be limited to:

Office notes, correspondence, existing narrative reports, x-ray films and reports, CT Scan films and reports, diagnostic films and reports, etc., health history records, treatment records, hospital records, lab results, patient intake forms, initial application and information sheets, consultation reports, correspondence or reports from other health care providers, physical therapist records and reports, appointment records, progress notes, handwritten notes, nurses' notes, records of prescriptions, patient orders, pathology slides, billing records, insurance claim forms, functional capacity tests, and any and all other records compiled by you or in your possession relating to my physical condition since September 1, 2012, that relates to or may relate to my ability to perform the functions of a police officer.

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This release authorizes the release of tangible medical information only and does not authorize verbal communication by the health care provider to the requesting party. This information must be kept strictly confidential in files that are separate from the general personnel files. A photocopy of this medical authorization may be used for the release of these records. The Medical Professional will provide a copy of the medical records sent to the Melrose Park Police Department.

Purpose of the Requested Disclosure of Protected Health Information

I am authorizing the limited release of my Protected Health Information for the following purposes for all purposes related to my employment with the Village of Melrose Park, Illinois.

Right to Revoke Authorization

Except to the extent that action has already been taken in reliance on this authorization, the authorization may be revoked at any time by submitting a written or electronic notice to the Medical Provider, who may be contacted using the following contact information:

Unless revoked, this authorization will expire on April 1, 2018.

Re-disclosure

I understand the information disclosed by this authorization may be subject to re-disclosure by the recipient and no longer be protected by the Health Insurance Portability and Accountability Act of 1996.

Signature: _____

Date: _____

EXHIBIT 20



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Chief of Police

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

Patient Identification

Printed Name: John A. Scatchell

Date of Birth: 12/09/1988

Address: 912 Norwood Drive Melrose Park, IL 60160

Last four digits of Social Security #: 6484

Authority for Limited Release of Protected Health Information by the Health Care Providers Listed Below:

I, John Scatchell, Jr., hereby authorize the Custodian of Medical Records ("Medical Provider"), Dr. Sandoval, to release the information identified in this authorization form for the partial and limited release of my medical records since January 1, 2014, and to provide such information to the following people only: Jeffrey S. Fowler or Joseph Gagliardo of Laner Muchin, Ltd., 515 N. State St., Suite 2800, Chicago, Illinois 60654, or any representative thereof.

The following information is to be released

A Certified Copy of the limited health and medical records file, which shall be limited to:

Office notes, existing narrative reports, x-ray films and reports, CT Scan films and reports, diagnostic films and reports, etc., health history records, treatment records, hospital records, lab results, patient intake forms, initial application and information sheets, consultation reports, or reports from other health care providers, physical therapist records and reports, appointment records, progress notes, handwritten notes, nurses' notes, records of prescriptions, patient orders, pathology slides, billing records, insurance claim forms, functional capacity tests, and any and all other records compiled by you or in your possession relating to my physical condition since January 1, 2014, that relates to or may relate to my ability to perform the functions of a police officer.

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CHIEF'S EXHIBIT ____

This release authorizes the release of tangible medical information only and does not authorize verbal communication by the health care provider to the requesting party. This information must be kept strictly confidential in files that are separate from the general personnel files. A photocopy of this medical authorization may be used for the release of these records. The Medical Professional will provide a copy of the medical records sent to the Melrose Park Police Department.

Purpose of the Requested Disclosure of Protected Health Information

I am authorizing the limited release of my Protected Health Information for the following purposes for all purposes related to my employment with the Village of Melrose Park, Illinois.

Right to Revoke Authorization

Except to the extent that action has already been taken in reliance on this authorization, the authorization may be revoked at any time by submitting a written or electronic notice to the Medical Provider, who may be contacted using the following contact information:

Unless revoked, this authorization will expire on April 1, 2018.

Re-disclosure

I understand the information disclosed by this authorization may be subject to re-disclosure by the recipient and no longer be protected by the Health Insurance Portability and Accountability Act of 1996.

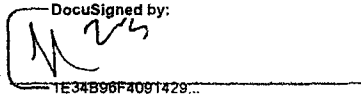
Signature: 
Date: 2/16/2018

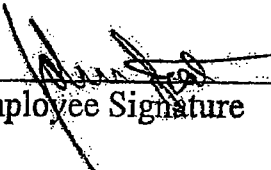
EXHIBIT 21

MELROSE PARK POLICE DEPARTMENT EMPLOYEE ACKNOWLEDGEMENT FORM

The employee procedures describe important information about your employment with the Village of Melrose Park. I further understand that I should consult with my supervisor regarding any questions I may have not answered in the procedures. I have entered into my employment relationship with the Village of Melrose Park voluntarily and acknowledge that there is no specified length of employment for cause brought about by my own actions.

Since the information, policies, and benefits described in this handbook are necessarily subject to change, I acknowledge that revisions to these procedures are neither a contract of employment nor a legal document. My signature acknowledges receipt of these procedures and I further understand this it is my responsibility to read and comply with the policies and procedures set forth and any future revisions which may occur.

Employee Name: John Scatchell


Employee Signature

8/31/12
Date

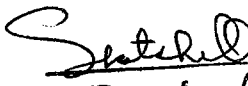
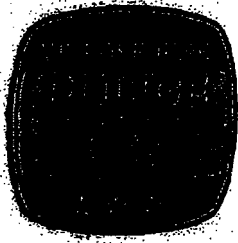
 Dep Ex No. 5
for ID, as of 1/9/18

EXHIBIT 22



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Chief of Police

STANDARD OPERATING PROCEDURE

Please be advised, attached hereto is the M.P.P.D. S.O.P. V.09.2012 Disk which contains the updated Standard Operating Procedure (S.O.P.) for the Melrose Park police Department. The S.O.P. establishes methods to be routinely followed by employees of the Melrose Park Police Department. The attached S.O.P. supersedes all prior S.O.P.'S of the Melrose Park Police Department as set forth in Policy 106.1 of the Policy Manual, attached hereto. Please review the attached and sign below that you have received it.

John A. Scatchell
Name

Patrol Officer
Title

9/26/2012
Date

Sam C. Pitassi Dep Ex No. 4
for ID, as of 1/9/18

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VMP/SCATCHELL JR 4

CHIEF'S EXHIBIT ____

EXHIBIT 23



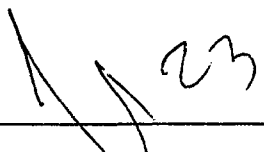
MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi ♦ Chief of Police

Melrose Park Police Department Manual Standard Operating Procedures (SOP)

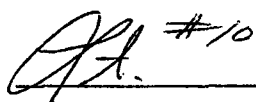
I John Scatchell Jr., acknowledge that I have received one copy of the SOP V.08_2015 version, of Melrose Park Police Department manual and its contents which contain Standard Operating Procedures and Regulations of the Department. I further acknowledge I am responsible to familiarize myself with the current contents and general conditions of this manual/cd at all time.

I acknowledge with my signature that I have read and understand these conditions.


Officers Signature

23
Star Number

8, 21, 15
Date

 #10
Supervisors Signature

10
Star number

8, 21, 15
Date

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CHIEF'S EXHIBIT

EXHIBIT 24



MELROSE PARK POLICE DEPARTMENT

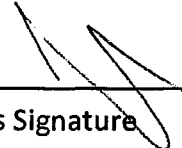
Sam C. Pitassi ♦ Chief of Police

MELROSE PARK

POLICE DEPARTMENT MANUAL STANDARD OPERATING PROCEDURES (SOP)

I, John Scatchell Jr. acknowledge that I have received One Copy of SOP V.06.2016 version, of the Melrose Park Police Department Manual and its contents which contain Standard Operation Procedures and Regulations of the Department. I further acknowledge I am responsible to familiarize myself with the current contents as well as any and all amendments that may be added or rescinded from time to time. I also know that it is my sole responsibility to maintain the contents and general condition of this manual/CD at all times.

I acknowledge with my signature that I have read and understand these conditions.



Officers Signature

23

Star Number

6-8-16

Date



Supervisor Signature

5

Star Number

06/08/16

Date

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CHIEF'S EXHIBIT ____

EXHIBIT 25

MELROSE PARK POLICE DEPARTMENT MANUAL

STANDARD OPERATING PROCEDURES (SOP)

As of 3-17-2017

	Name Person receiving SOP	Badge #	Name Person Giving SOP	Badge #	Officer Signature	Date Received	SOP CD	SOP BOOK
1	LT. Dino Dimaio	4	LT. MAIELLO	9	[Signature]	3-31-17		
2	Sgt. Nunzio Maillo	9	LT. MAIELLO	9	[Signature]			
3	Off. Scott Thull	33	LT. MAIELLO	9	[Signature]	03-30-17		
4	Phillip Negron	78	LT. MAIELLO	9	[Signature]	3-30-17		
5	Devon Moss	30	LT. MAIELLO		[Signature]	4-13-17		
6	Adam Gibson	35	LT. MAIELLO	9	[Signature]	3/31/17		
7	Off. William Potamianos JR.	86	LT. MAIELLO	9	[Signature]	3/30/17		
8	Off. Chane Fogg	75	LT. MAIELLO	75	[Signature]	03-30-17		
9	Off. Vaughn Damron	74	LT. MAIELLO	9	[Signature]	4/1/17		
10	Off. Daniel Richter	25	LT. MAIELLO	9	[Signature]	3-31-17		
11	Off. John Scatchell Jr	23	LT. MAIELLO	9	[Signature]	3-31-17		
12	Off. John Menolascino Jr.	29	LT. MAIELLO		[Signature]	3-30-17		
13	Off. Robert Anzald Jr.	43	[Signature]		[Signature]	4-13-17		
14	Off. Jessica Ortiz	49	LT. MAIELLO	9	[Signature]	3-30-17		
15	Off. Pedro Montoya	60	LT. MAIELLO	9	[Signature]	3-30-17		
16	Joseph G. Panzani	44	LT. MAIELLO	9	[Signature]	3-30-17		
17	Giovanni Castellàn	76	LT. MAIELLO		[Signature]	4-1-17		
18	Joseph De Carlo	87	LT. MAIELLO	9	[Signature]	3/30/17		

CHIEF'S EXHIBIT

EXHIBIT 26



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi ♦ Chief of Police

MELROSE PARK POLICE DEPARTMENT MANUAL STANDARD OPERATING PROCEDURES (SOP)

I, John Scatchell Jr. acknowledge that I have received One Copy of SOP V31717 version, of the Melrose Park Police Department Manual and its contents which contain Standard Operation Procedures and Regulations of the Department. I further acknowledge I am responsible to familiarize myself with the current contents as well as any and all amendments that may be added or rescinded from time to time. I also know that it is my sole responsibility to maintain the contents and general condition of this manual/CD at all times.

I acknowledge with my signature that I have read and understand these conditions.

[Signature]
Officers Signature

23
Star Number

3/31/17
Date

[Signature]
Supervisor Signature

2
Star Number

5/31/17
Date

1 North Broadway ♦ Melrose Park, Illinois 60160 ♦ (708) 344-8409

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CHIEF'S EXHIBIT

EXHIBIT 27



Melrose Park Police Department
Policy Manual

Outside Employment

1040.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police/Police Administrator prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police/Police Administrator in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Employment - Where any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

To obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration, along with any applicable comments or review of work history provided by the submitting supervisor or any other supervisor having information which should be legitimately considered as factors for approval or rejection.

Applications must be accompanied by a Village indemnification/hold harmless agreement executed by the outside employer.

1040.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permission may be revoked or suspended under the following circumstances:

- (a) When an employee's performance at this department is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any outside employment permission(s). That revocation will stand

Melrose Park Police Department

Policy Manual

Outside Employment

until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permission.

- (b) When included as a term or condition of sustained discipline.
- (c) When an employee is suspended from the department for 5 days or less the employee's outside employment permission will be suspended for the same amount of time.
- (d) When an employee is suspended from the department for more than 5 days the member's outside employment permission will be considered revoked.
- (e) When an employee's conduct or outside employment conflicts with the provisions of department policy, the permission may be suspended or revoked.
- (f) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permission may be subjected to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of or reliance upon the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient.

1040.3.1 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.2 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Investigations Deputy Chief, undercover officers or officers assigned to covert operations shall not be eligible to work overtime

Melrose Park Police Department

Policy Manual

Outside Employment

or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from utilizing other departmental employees, and any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Prior to providing written approval for an outside employment position, the Department may request that an officer provide his or her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permission. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his or her personal financial records for review/audit. If the employee elects not to provide the requested records, his or her off-duty work permission may be revoked pursuant to Policy Manual § 1040.2.2(c).

1040.5 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police/Police Administrator whether such outside employment should continue.

In the event the Chief of Police/Police Administrator determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permission, a notice of revocation of the member's permission will be forwarded to the involved employee.

Criteria for revoking the outside employment permission include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the Village's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Melrose Park Police Department, a request (in writing) may be made to the Chief of Police/Police Administrator to restore the permission.

Melrose Park Police Department

Policy Manual

Outside Employment

1040.6 SEE APENDIX FOR SPECIAL ORDER ISSUED BY THE CHIEF

The chief has issued a "Special Order" regarding secondary employment. You will find this order at the back of the manual.

EXHIBIT 28

**THESE DOCUMENTS WERE
PRODUCED AT:**

VMP-JJS 2480-2496

**THE BATES NUMBERED COPIES
ARE BAD SCANS AND ARE TOO
SMALL TO BE LEGIBLE**



Illinois Conservation Police

Page 1 of 6

NATURAL RESOURCES FIELD REPORT

7:17 NOV 30 PM 2015

 INCIDENT RESPONSE NUMBER
 2017-2-365-017

Bergland, W.J. #365

DATE	11/20/17	REF	2	ADJ	3	REVIEW SIGNATURE	567.11/21/17	ELI	11/27/17	CRS STATUS	Open	EVIDENCE STATUS	Open	<input checked="" type="checkbox"/> Springfield <input type="checkbox"/> Region <input type="checkbox"/> States Attorney
COMPLAINT										DATE OCCURRED		TIME		
Unlawful Possession of a Firearm By a Felon										11/20/2017		7:30am		
LOCATION										DATE REPORTED		TIME		
Fox Ridge Stone Quarry, Rt. 71 and Minkler Rd.										11/20/2017		7:30		
Evidence	Location where evidence is stored			Photos		Location of photographs		Attachments		Agency Contact Person Name		Date		
No				Yes		Attached		1						
SUBJECT CODES: A-Arrested D-Person Discovering Crime O-Offender V-Victim W-Witness X-Other Passenger C-Complainant														
Code	Last			First		M.I.	Street			City		State	Zip	
O	Scavo			Vito		R	280 Braddock			Melrose Park		IL	60160	
Race	Sex	Date of Birth	Height	Weight	Hair	Eyes	Build	Complexion	SSN / DLN	Telephone				
W	M	4/30/1948	5' 0 9"	190	GRY	BRO	MED	LGT	S10-8764-8123	(708) 906-3644				
Charge / Citation / WW		0		Chapter / Act / Section				Description				Court Date None		
SUBJECT CODES: A-Arrested D-Person Discovering Crime O-Offender V-Victim W-Witness X-Other Passenger C-Complainant														
Code	Last			First		M.I.	Street			City		State	Zip	
W	Scatchell			John		A	912 Norwood Dr.			Melrose Park		IL	60160	
Race	Sex	Date of Birth	Height	Weight	Hair	Eyes	Build	Complexion	SSN / DLN	Telephone				
W	M	12-09-1988	5' 0 9"	195	BRO	BRO	MED	MED	S324-461-8350	(708) 906-1188				
Charge / Citation / WW		0		Chapter / Act / Section				Description				Court Date None		
SUBJECT CODES: A-Arrested D-Person Discovering Crime O-Offender V-Victim W-Witness X-Other Passenger C-Complainant														
Code	Last			First		M.I.	Street			City		State	Zip	
W	Grivetti			Rodger		J	261 Northwood			Riverside		IL	60546	
Race	Sex	Date of Birth	Height	Weight	Hair	Eyes	Build	Complexion	SSN / DLN	Telephone				
W	M	07/31/1964	6' 0 0"	190	BRO	BRO	MED	LGT	G613-7306-4217	(708) 774-9013				
Charge / Citation / WW		0		Chapter / Act / Section				Description				Court Date None		
SUBJECT CODES: A-Arrested D-Person Discovering Crime O-Offender V-Victim W-Witness X-Other Passenger C-Complainant														
Code	Last			First		M.I.	Street			City		State	Zip	
W	Bono			Richard		L	1518 William St.			River Forest		IL	60305	
Race	Sex	Date of Birth	Height	Weight	Hair	Eyes	Build	Complexion	SSN / DLN	Telephone				
W	M	06/18/1963	5' 1 1"	190	BRO	BRO	MED	MED	B500-7526-3173	(708) 280-9996				
Charge / Citation / WW		0		Chapter / Act / Section				Description				Court Date None		
VEHICLE INFORMATION														
Vehicle Year	Vehicle Make		Vehicle Color		VIN/HIN or Serial Number				License Number		License Year	State		
2006	Express		Green		JBC62068C606						2020	WI		
Boat Registration Number		Boat Length	Vehicle Towed		Vehicle Removed By				Vehicle Removed To		Telephone			
WS 9833 HU		17'	<input type="checkbox"/>											
SYNOPSIS														
I observed a group of waterfowl hunters in a boat blind hunting waterfowl. One of the hunters was known to me to be a convicted felon and to have a revoked FOID card. I did see that person in possession of a shotgun and saw him shoot the gun.														

CHIEF'S EXHIBIT

OA 10NR / ICP 01





Illinois Conservation Police

Page 2 of 6

FIELD REPORT

REPORT NUMBER

2017-2-365-017

Report Office and ID

Bergland, W.J. #365

On 11-16-17 I received information from Sgt. Wollgast about group of waterfowl hunters that hunt at the Fox Stone Quarry located off the southeast corner of the intersection of Rt. 71 and Minkler Rd. Sgt. Wollgast told me that one of the subjects was suspected to be Vito R. Scavo and he was a felon and not able to possess a firearm. I told Sgt. Wollgast that I was aware of this group and had checked them before as they had come off of the water in their boat blind. They hunt on a body of water on the far southeast corner of the property. I had never before found any violations and had never seen Scavo in possession of a firearm. As Sgt. Wollgast had asked, I worked the area the next day but no hunters came to hunt.

Today, 11/20/17 I arrived at the quarry a little before 7:00am and parked away from where the hunting area is located. Shortly after I got out of my truck, I heard shots coming from the body of water on the southeast corner of the property. I walked/crawled to a location on the north side of the body of water where I could see their spread of decoys and the boat from which they were hunting. (See attached Google earth view) I later used the Google Earth measuring tool to determine that I was approximately 230 yards from the boat blind. I was sitting on the ground facing south. There were reeds in front of me, but using binoculars, I could clearly see the boat and the occupants when the top of the boat blind was pulled back. The boat was camouflaged with reed like material on a metal frame that goes up a few feet from the gunwales of the boat and then covers the boat on top. The roof has a section that can be slid back so the hunters can stand up and take shots when birds come within range. (see below picture of boat) As I was looking at them, the stern of the boat was to my left and the bow to my right. On the far left at the stern of the boat was a man with a beard and sunglasses, later identified as John A. Scatchell. Next to him was a taller man wearing a hood, later identified as Rodger J. Grivetti. Next to Grivetti was his small grade school aged son. Next to, but always slightly behind Grivetti's son, was a taller man with a black hooded sweatshirt and camo bib overalls, later identified as Richard L. Bono. Next to Bono, at the far right and at the bow of the boat, was a shorter older man wearing sunglasses. He was later identified as Vito R. Scavo. All subjects were dressed in camouflage clothing.

As stated earlier, I could clearly see all the subjects in the boat through binoculars, however I could not hear their conversations. I could hear people speaking, but I could not make out what they were saying. I could hear when they were using their call to attract the waterfowl to their location. When ever they started calling, I would observe them with the binoculars. I observed the group shoot at least five or six times, and every time I could see Scavo holding a shotgun. On at least two occasions I could see the recoil of the shotgun that Scavo was holding. One time in particular I can remember when a flock of geese flew over the top of the hunters and Scavo was holding the gun almost straight up and took a shot.

I observed the hunters from approximately 7:00am to approximately 9:00am. I then went back to my truck and pulled closer to the boat launch to wait for the hunters to come back to the launch. I rolled my window down and heard a few more groups of shots. I then heard the boat start up and could tell from the sounds I was hearing that they were picking up their decoys. I got out of my truck and walked down the boat ramp and stood off to the side in the reeds until the boat landed at the ramp. I was in full uniform and identified myself as Scavo, who was still at the bow of the boat, got off of the boat. I saw that they had all of their kill on separate stringers or in separate piles as required. All the guns were cased. The boat was owned by Scatchell and I did an equipment inspection on the boat with him. A fire extinguisher was not charged and there was no type IV throwable PFD in the boat. Scatchell was given a



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2017-2-365-017



Illinois Conservation Police

Page 3 of 6

FIELD REPORT

2017-2-365-017

Bergland, W.J. #365

verbal warning for these violations. I then checked the paperwork and weapons of Grivetti and his son, Bono, and Scatchell and found no violations.

There were only four guns on the boat so there was no gun to check for Scavo, but I saw that he had a hunting license in his hand. I then asked Scavo to step away from the group so I could talk to him in private. He offered me his hunting license and I took it. We walked several steps away from the others. I was standing facing east with my truck to my right. Scavo was facing me, facing west, with the boat launch behind him and his vehicle behind him and to his right. I told Scavo I was going to ask him some questions and asked him to be honest with me. I asked him if he had taken any shots this morning. He stated that he had shot at one that was on the water. I then advised him that he should know that I had been watching the group for over an hour and a half. I asked him if that was all he shot at and he said that it was. I again advised him how long I had been watching him and told him that I had observed him shoot at several groups of birds that came in. He then admitted that he had taken more than just that one shot. I then asked him if this was the only time this year that he had taken shots at waterfowl and he said that it was not. I then told him that I knew his situation and knew that he could not legally be in possession of a firearm. I asked him why he would do this knowing that he couldn't legally do it. He said that hunting is in his blood and he just can't seem to get away from it. He then spent the next fifteen minutes or so trying to convince me not to do anything with the information that I had gathered this morning. I told him several times that I was not going to risk my career and my family's well being because he had made bad choices. I also told him that I was not going to arrest him today. I told him I would be writing a report on what I observed and what I was told here today and present it to the Kendall County State's Attorney's office. It should be noted that except for his initial withholding about how many times he had shot this morning, Scavo was very cooperative and forthcoming. He was also very polite and respectful towards me.

I then spoke to Scatchell. I asked for his ID and he gave it to me and I took down his information. He identified himself as a Melrose Park police officer, showing me his badge. I asked him if he saw Scavo shoot this morning. He told me could not say if he saw Scavo shoot or not. Scatchell explained that he was fifteen feet away from Scavo, further explaining that it was a seventeen foot boat and they were at opposite ends of the boat. Scavo was not standing on the bow so the distance between them was probably more like eleven to twelve feet. I advised Scatchell that I had observed them hunt for over an hour and a half and asked again if he was still going to tell me that he did not know if Scavo shot or been in possession of firearm. Scatchell then said something similar to "We are all in law enforcement here, we all know what's going on." I told him that doesn't answer my question. He then again told me that his answer is that he could not say if Scavo had shot or been in possession of a firearm.

I then spoke to Bono. I took down his information from his ID and asked him if Scavo had taken any shots this morning. He stated that he saw Scavo shoot at one cripple on the water. I also advised Bono of how long and from where I had been observing them and asked the question again and Bono again said that he had only seen him shoot the one time. I asked Bono if he knew of Scavo's situation and that he could not be in possession of a firearm. Bono said that he knew that Scavo had been in trouble before and assumed that he could not because he had never brought a firearm when they went hunting.

0A10NR/14001



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Illinois Conservation Police

Page 4 of 6

FIELD REPORT

FIELD REPORT NUMBER
2017-2-365-017

Reporting Officer and ID
Bergland, W.J. #365

I then spoke to Gravetti. I took down his information too and asked him if he had seen or knew if Scavo had taken any shots or been in possession of a firearm this morning. He stated that he did not see if Scavo had or had not taken shots or been in possession of a firearm. He stated that his focus was on his son and his son's firearm safety.

I spoke to Bono once more and asked if it was his gun that Scavo had used and he said that it was.

I then again told Scavo that I was going to be writing a report and sending it to the S. A. office. He asked that I speak with his lawyer whom he was on the phone with at the time and I did so. All the lawyer really wanted to know was what county would be getting the report and I advised him that it would be Kendall County.

I then left the scene.

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021001/1001

2017-2-365-017



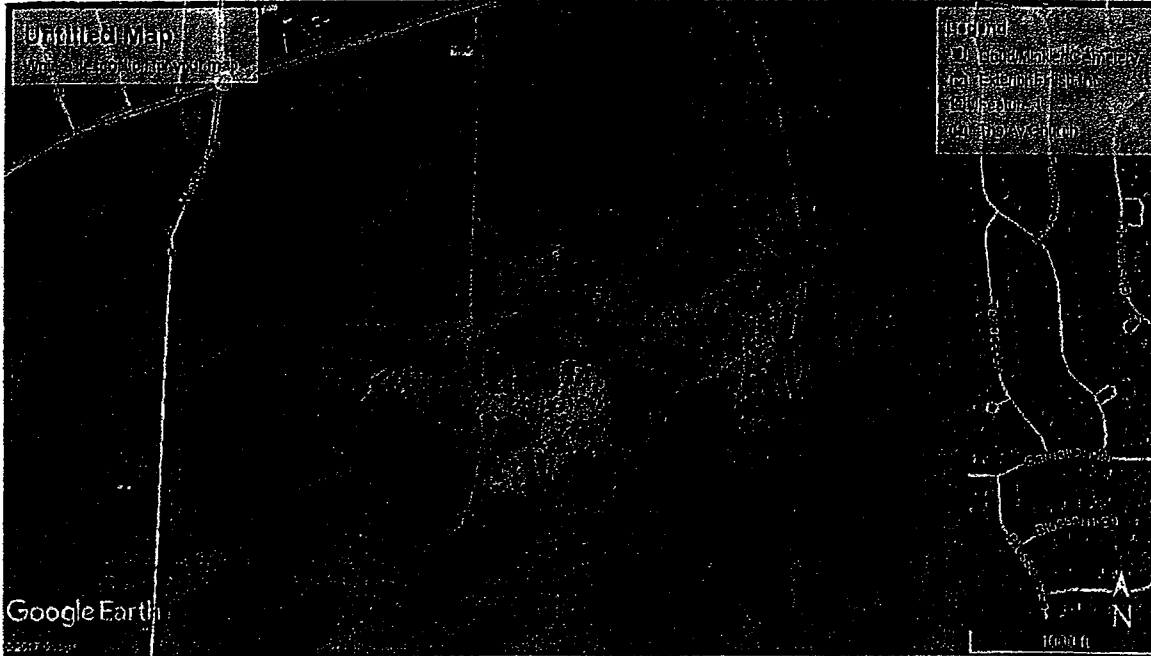
Illinois Conservation Police

PHOTOGRAPHIC EVIDENCE

Page 5 of 6

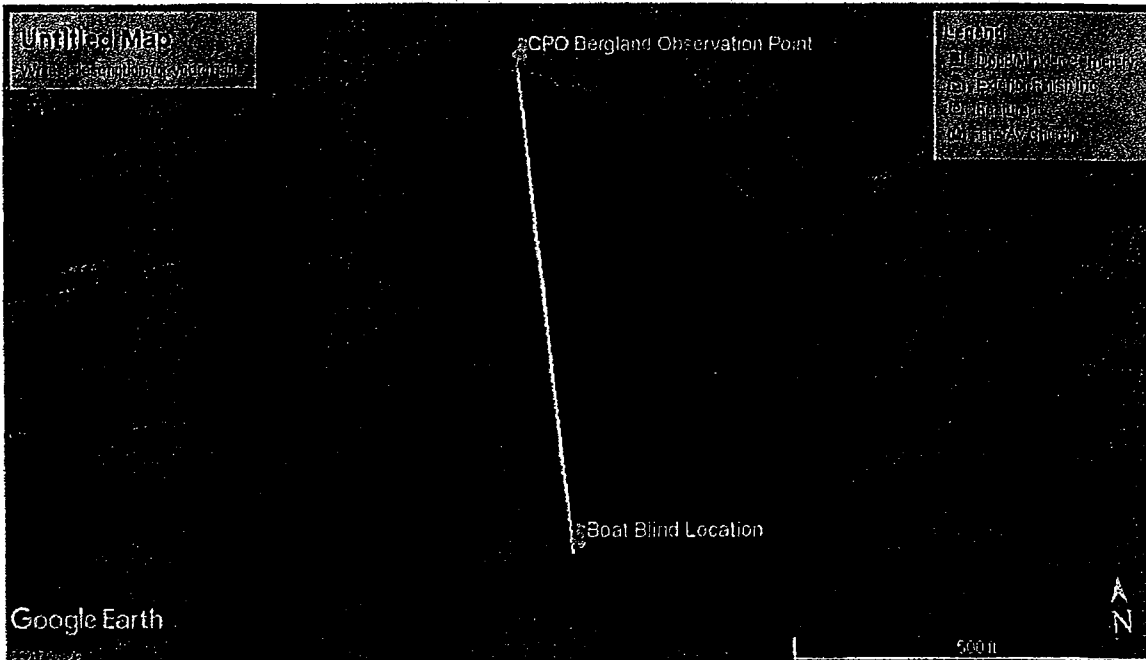
FIELD WORK NUMBER
2017-2-365-017

Reported Offense ID
Bergland, W.J. #365



Google earth image of Fox
Ridge Stone Quarry

Description



Google Earth Image of pond on
SE corner of Fox Ridge Stone
Quarry showing CPO Bergland's
approximate observation point
and the approximate location of
the boat blind. The
approximate distance between
the two locations using the
google earth measuring tool is
230 yards.

Description

0A 10NR/1CP 01





Illinois Conservation Police

PHOTOGRAPHIC EVIDENCE

Page 6 of 6

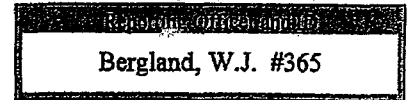
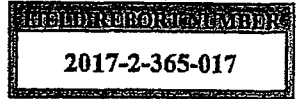


Photo of the boat blind taken later that evening while parked at the boat launch.

Description

CA 12/22/14 P 01



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CIC MESSAGE NUMBER 3185138 11/20/17

ATT 1, PG 1

FROM IL
WDZ 17.35.27 11/20/17 . IL08486
04700W1
*** ILLINOIS CONCEALED CARRY LICENSE RECORD ***
NO RECORD FOUND FOR NAM/SCAVO, VITO R DOB/1948-04-30
/END

CIC MESSAGE NUMBER 3185140 11/20/17

FROM IL
WDZ 17.36.13 11/20/17 . IL08486
ILO4700W1
FOID RESPONSE
FID 67280118 ISSUED/2001-11-01 EXP/2011-11-01
STATUS REVOKED FOID CARD
NAME SCAVO, VITO R SEX MALE DOB 1948-04-30
STREET ADDRESS 280 BRADDOCK
CITY MELROSE PARK COUNTY COOK ZIP 60160
HEIGHT 509 WEIGHT 190 HAIR GRY EYES BRO
NO SPONSOR

OA 10NR/14 01

CIC MESSAGE NUMBER 3185181 11/20/17

ATT 1, P62

201711201746
 IL0470000 OPR/93 PUR/C REQ/OFC BURGLAND/F16
 N /SCAVO,VITO R SEX/M RAC/U DOB/19480430
 SLD/IL23986580 NAM/SCAVO,VITO ROCCO SEX/M
 RAC/W DOB/19480430 HGT/509 WGT/190 HAI/BRO EYE/BRO
 SKN/FAR SMT/
 FPC/ FBI/255339AA7
 SOC/321405589 CIR/ MNU/
 TOTAL ARRESTS 1
 CHARGES CONV OFFENSE CHARGES CONV OFFENSE
 2 0 LARCENY 2 0 FRADULENT ACTIV
 LAST ARREST 19820929 BY IL0169M00 CASE # 81E4732
 FOR THEFT , INSURANCE FRAUD

CIC MESSAGE NUMBER 3185184 11/20/17

REQ/OFC BURGLAND/F16

7L01WDZ1I2735KC

IL0470000

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
 INQUIRY ON NAM/SCAVO,VITO R SEX/M RAC/U DOB/19480430 PUR/C

NAME FBI NO. INQUIRY DATE
 S JO,VITO ROCCO 255339AA7 2017/11/20

SEA RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR PHOTO

M W 1948/04/30 509 180 BRO BRO Y

BIRTH PLACE

ILLINOIS

FINGERPRINT CLASS PATTERN CLASS

25 PM PO PM PO

18 PI 22 PI 22

ALIAS NAMES

SCAVO,VITO SCAVO,VITO R

SCAVO,VITO ROCCO

OTHER

BIRTH DATES SOCIAL SECURITY

1948/04/03 321-40-5589

IDENTIFICATION DATA UPDATED 2016/01/05

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
 FOLLOWING:

FBI - FBI/255339AA7

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION

CIC MESSAGE NUMBER 3185185 11/20/17

REQ/OFC BURGLAND/F16

NCIC.

ORIGINAL/14001

CIC MESSAGE NUMBER 3185187

11/20/17

ATT 1, PG 3

17.324 17.47.48

IL0470000 OPR/93 PUR/C REQ/OFC BURGLAND/F16

SID/IL23986580

ATN/OFC BURGLAND/F16

THIS RECORD IS BASED ONLY ON THE SID NUMBER IN YOUR REQUEST-
 IL23986580 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME,
 A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

ILLINOIS STATE POLICE

CRIMINAL HISTORY RECORD INFORMATION

STATE ID NO. FBI NO. CHICAGO IR NO. DATE REQUESTED

***** ILLINOIS STATE POLICE *****

CRIMINAL HISTORY RECORD INFORMATION

***** STATE USE ONLY *****

DATE: 11/20/2017 * ORI: IL0470000

ILLINOIS STATE POLICE

BUREAU OF IDENTIFICATION

260 NORTH CHICAGO STREET

JOLIET, IL 60432-4075

CRIMINAL HISTORY OF SCAVO, ?VITO?ROCCO? (LAST KNOWN NAME)

STATE IDENTIFICATION NUMBER: IL23986580

CONVICTION STATUS: NO CONVICTION STATUS

CUSTODIAL STATUS: NO STATUS FOUND

JUVENILE DATA

FORMAL ADJUSTMENT: 0 * FORMAL ADJUSTMENT: 0 * PROBATION ADJUSTMENT: 0

ALIAS NAME(S)

SCAVO, ?VITO?ROCCO?

DATE OF BIRTH

04/30/1948

SUBJECT IDENTIFICATION DATA

END OF PAGE 001 -- MORE DATA WILL FOLLOW

CIC MESSAGE NUMBER 3185188

11/20/17

17.324 17.47.48

IL0470000 OPR/93 PUR/C REQ/OFC BURGLAND/F16

SID/IL23986580

(CONTINUED FROM PREVIOUS RESPONSE)

FPT#: 255339AA7 * CHICAGO IR#:

SEX: MALE

RACE: WHITE

HEIGHT: 509 * DATE REPORTED:

WEIGHT: 190 * DATE REPORTED:

EYES: BROWN

ATT 1, P64

HAIR: BROWN
 SKIN: FAIR
 SCARS/MARKS/TATTOOS:
 PLACE OF BIRTH: ILLINOIS
 EVERS LICENSE NUMBERS * DL STATE:
 SOCIAL SECURITY NUMBERS:
 ??321405589
 MISCELLANEOUS NUMBERS NUMBER CODE -- ID NUMBER :
 PALM PRINT AVAILABLE ORGANIZATIONS:
 PHOTO AVAILABLE ORGANIZATIONS:
 IDOC#:
 FOID#:
 INS#:
 OCCUPATION * DATE REPORTED:
 EMPLOYER * DATE REPORTED:
 BASIS FOR CAUTION * DATE REPORTED:
 ?? *

=====

CRIMINAL HISTORY DATA

=====

***** ARREST *****

DCN: D03541241 * DATE OF ARREST: 09/29/1982

NAME: SCAVO, VITOROCCO * DATE OF BIRTH: 04/30/1948

RESIDENCE:
 ??

ARRESTING AGENCY: ISP INVESTIGATION DISTRICT CHICAGO * NCIC: IL0169M00

AGENCY CASE NUMBER: 81E4732 * OFFICER BADGE NUMBER:

PHOTO AVAILABLE: NO

ARREST CHARGES

CIT: 1

STATUTE CITATION: 38-16-1-B

LITERAL DESCRIPTION: THEFT

INCHOATE CODE: O

CLASS: Z

ARREST TYPE: * DATE OF OFFENSE: 09/29/1982

COURT CASE NUMBER: 83CR7889 * COUNTY ISSUING WARRANT:

COUNT: 2

STATUTE CITATION: 73-1101

LITERAL DESCRIPTION: INSURANCE FRAUD

INCHOATE CODE: O

CLASS: 4

ARREST TYPE: * DATE OF OFFENSE: 09/29/1982

END OF PAGE 002 -- MORE DATA WILL FOLLOW

CIC MESSAGE NUMBER 3185190 11/20/17

17.324 17.47.48

IL0470000 OPR/93 PUR/C REQ/OFC BURGLAND/F16

S: IL23986580

(CONTINUED FROM PREVIOUS RESPONSE)

COUNT: 3

STATUTE CITATION: 38-16-1

LITERAL DESCRIPTION: CONSPIRACYTHEFT

ATT 1, P65

INCHOATE CODE: C
CLASS: Z
ARREST TYPE: * DATE OF OFFENSE: 09/29/1982
COUNT: 4
STATUTE CITATION: 73-1101
LITERAL DESCRIPTION: CONSPIRACY INSURANCE FRAUD
INCHOATE CODE: C
CLASS: 4
ARREST TYPE: * DATE OF OFFENSE: 09/29/1982
STATES ATTORNEY SECTION

FILING DECISION: FILED * DECISION DATE: 09/29/1982
COUNT: 1

STATUTE CITATION: 38-16-1-B
LITERAL DESCRIPTION: THEFT
INCHOATE CODE: O
CLASS: Z
AGENCY NAME: COOK COUNTY STATE'S ATTORNEY * NCIC: IL016013A
COURT CASE NUMBER: 83CR7889
FILING DECISION: FILED * DECISION DATE: 09/29/1982
COUNT: 2

STATUTE CITATION: 73-1101
LITERAL DESCRIPTION: INSURANCE FRAUD
INCHOATE CODE: O
CLASS: Z
AGENCY NAME: COOK COUNTY STATE'S ATTORNEY * NCIC: IL016013A
FILING DECISION: FILED * DECISION DATE: 09/29/1982
COUNT: 3

STATUTE CITATION: 38-16-1
LITERAL DESCRIPTION: THEFT
INCHOATE CODE: O
CLASS: Z
AGENCY NAME: COOK COUNTY STATE'S ATTORNEY * NCIC: IL016013A
FILING DECISION: FILED * DECISION DATE: 09/29/1982
COUNT: 4

STATUTE CITATION: 73-1101
LITERAL DESCRIPTION: INSURANCE FRAUD
INCHOATE CODE: O
CLASS: Z
AGENCY NAME: COOK COUNTY STATE'S ATTORNEY * NCIC: IL016013A
COURT CHARGES DISPOSITION

COUNT: 1
STATUTE CITATION: 38-16-1-B
LITERAL DESCRIPTION: THEFT
INCHOATE CODE: O
CLASS: Z
END OF PAGE 003 -- MORE DATA WILL FOLLOW

C MESSAGE NUMBER 3185191 11/20/17

17.324 17.47.48
IL0470000 OPR/93 PUR/C REQ/OFC BURGLAND/F16
SID/IL23986580

ATT 1, pg 6

(CONTINUED FROM PREVIOUS RESPONSE)

DISP DATE: 07/02/1984 DISP: NOT GUILTY

CASE NUMBER: 83CR7889

AGENCY NAME: COOK COUNTY CIRCUIT COURT * NCIC: IL016025J

NT: 2

STATUTE CITATION: 73-1101

LITERAL DESCRIPTION: INSURANCE FRAUD

INCHOATE CODE: O

CLASS: Z

DISP DATE: 07/02/1984 DISP: NOT GUILTY

CASE NUMBER:

AGENCY NAME: COOK COUNTY CIRCUIT COURT * NCIC: IL016025J

COUNT: 3

STATUTE CITATION: 38-16-1

LITERAL DESCRIPTION: THEFT

INCHOATE CODE: O

CLASS: Z

DISP DATE: 07/02/1984 DISP: NOT GUILTY

CASE NUMBER:

AGENCY NAME: COOK COUNTY CIRCUIT COURT * NCIC: IL016025J

COUNT: 4

STATUTE CITATION: 73-1101

LITERAL DESCRIPTION: INSURANCE FRAUD

INCHOATE CODE: O

CLASS: Z

DISP DATE: 07/02/1984 DISP: NOT GUILTY

CASE NUMBER:

AGENCY NAME: COOK COUNTY CIRCUIT COURT * NCIC: IL016025J

===== END OF RECORD =====

----- STATE USE ONLY -----

END OF PAGE 004 -- END OF RECORD

ATT 1, PG 7

CIC MESSAGE NUMBER 3185197

11/20/17

REQ/OFC BURGLAND/F16

F 01WDZFM2738KC

470000

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/255339AA7. THE FOLLOWING WILL RESPOND TO YOUR
AGENCY:

FBI - FBI/255339AA7

END

CIC MESSAGE NUMBER 3185198

11/20/17

BEA 17.48.39 11/20/17 WVFBI00

ILO470000

HDR/2L01WDZFM2738KC

ATN/OFC BURGLAND/F16

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

FBI Number 255339AA7

Request Id 2738K17147

Purpose Code C

Attention OFC BURGLAND/F16

1. Information in this rap sheet is subject to the following caveats:

This record is based only on the FBI number in your request-UCN:

255339AA7 Because additions or deletions may be made at any time, a new
copy should be requested when needed for subsequent use. (US;

2017-11-20)

All arrest entries contained in this FBI record are based on
fingerprint comparisons and pertain to the same individual. (US;

2017-11-20)

The use of this record is regulated by law. It is provided for official
use only and may be used only for the purpose requested. (US;

2017-11-20)

***** IDENTIFICATION *****

Subject Name(s)

SCAUO, VITO ROCCO

SCAVO, VITO (AKA)

SCAVO, VITO R (AKA)

SCAVO, VITO ROCCO (AKA)

Subject Description

FBI Number

255339AA7

Social Security Number

321405589

Sex

Male

Race

White

Height

5' 9"

Weight

180

Date of Birth

1948-04-30

1948-04-03

Hair Color

Brown

Eye Color

Brown

Fingerprint Pattern

25PMPOPMP018PI22PI22 (FPC)

Place of Birth

Citizenship

ATT 1, PG 8

Illinois United States
 Fingerprint Images
 Photo Images
 Photo Image Available
 Capture Date 1982-09-20
 (No Photo Image Transmitted)
 Photo Image Available
 Capture Date 2007-07-25
 (No Photo Image Transmitted)
 Photo Image Available
 Capture Date 2007-07-25
 (No Photo Image Transmitted)
 Photo Image Available
 Capture Date 2007-07-25
 (No Photo Image Transmitted)
 Photo Image Available
 Capture Date 2010-08-03
 (No Photo Image Transmitted)
 Photo Image Available
 Capture Date 2010-08-03
 (No Photo Image Transmitted)

***** CRIMINAL HISTORY *****

===== Cycle 001 =====

Earliest Event Date 1982-09-20

 Arrest Date 1982-09-20
 Arrest Case Number 81E4732
 Arresting Agency IL0169M00 SPOL-CI-ZONE 4 CHICAGO
 Charge 1
 Charge Literal THEFT
 Severity Unknown
 Charge 2
 Charge Literal INS FRAUD
 Severity Unknown
 Charge 3
 Charge Literal CONS TO COMMIT THEFT
 Severity Unknown
 Charge 4
 Charge Literal CONS TO COMMIT INS FRAUD
 Severity Unknown

===== Cycle 002 =====

Earliest Event Date 2007-07-25

 Arrest Date 2007-07-25
 Arrest Case Number
 Arresting Agency ILFBICG00 FBI CHICAGO
 Subject's Name SCAVO, VITO R
 Charge 1
 Charge Literal 2699 - FRAUD
 Severity Unknown

 Court Disposition (Cycle 002)

Court Case Number

Court Agency

Charge 1

 Charge Literal 1 COUNT OF RACKETEERING CONSPIRACY (TITLE 18
 USC SEC 1962(D))

 Disposition (06/01/09 CONVICTED)

Charge 2

 Charge Literal 8 COUNTS OF MAIL FRAUD (TITLE 18 USC SEC 1941)

ATT 1, P69

	Disposition	(06/01/09 CONVICTED)
Charge	3	
	Charge Literal	2 COUNTS OF WIRE FRAUD (TITLE 18 USC SEC 1943)
	Disposition	(06/01/09 CONVICTED)
Charge	4	
	Charge Literal	1 COUNT OF EXTORTION (TITLE 18 USC SEC 1951)
	Disposition	(06/01/09 CONVICTED)
Charge	5	
	Charge Literal	1 COUNT OF OBSTRUCTION OF JUSTICE (TITLE 18 USC SEC 1503)
	Disposition	(06/01/09 CONVICTED)
Charge	6	
	Charge Literal	9 COUNTS OF FILING FALSE FEDERAL INCOME TAX RETURNS (TITLE 26 SEC 7206(1))
	Disposition	(06/01/09 CONVICTED; SENTENCED TO 6 YRS CONFINEMENT, 2. YRS SUPERVISED RELEASE, \$5000 FINE, \$12,600 RESTITUTION, \$100 SPECIAL ASSESSMENT)

Corrections	(Cycle 002)
Supervision Date	2014-10-24
Corrections Agency	IL016017G US PROBATION CHICAGO
Correction Action	STATUS--SUPERVISED RELEASE/EARLY TERMINATION - GOALS ACHIEVED

Release Date

===== Cycle 003 =====

Earliest Event Date	2010-08-03
---------------------	------------

Arrest Date	2010-08-03
Arrest Case Number	
Arresting Agency	MN069037C FED PRISON CAMP DULUTH
Subject's Name	SCAVO, VITO R
Charge	1
	Charge Literal
	CONSPIRACY TO COMMIT RACKETEERING & CORRUPT ORGANIZATION - 18 USC 1962(O); MAIL FRAUD (COUNTS 2-9) 18 USC 1341; WIRE FRAUD (COUNTS 10-11) 18 USC 1343; EXTORTION (COUNT 16) 18 USC 1951; OBSTRUCTION OF JUSTICE (COUNT 18) 18 USC 1503
	Severity
	Unknown
Charge	2
	Charge Literal
	FILING A FALSE TAX RETURN (COUNTS 20-28) 18 USC 7206
	Severity
	Unknown

Court Disposition	(Cycle 003)
Court Case Number	
Court Agency	
Charge	1
	Charge Literal
	CONSPIRACY TO COMMIT RACKETEERING & CORRUPT ORGANIZATION - 18 USC 1962(O); MAIL FRAUD (COUNTS 2-9) 18 USC 1341; WIRE FRAUD (COUNTS 10-11) 18 USC 1343; EXTORTION (COUNT 16) 18 USC 1951; OBSTRUCTION OF JUSTICE (COUNT 18) 18 USC 1503
	Disposition
	(72 MONTHS CBOP, 2 YRS SRT, SENT IMPOSED 05-05-2010)
Charge	2
	Charge Literal
	FILING A FALSE TAX RETURN (COUNTS 20-28) 18 USC 7206

ATT 1, PG 10

Disposition (36 MONTHS CBOP(CC), 1 YRS SRT(CC), SENT
IMPOSED 05-05-2010)

***** INDEX OF AGENCIES *****

Agency SPOL-CI-ZONE 4; IL0169M00;
Agency Email Address
Address

8330 S KING DR
CHICAGO, IL 604632341

Agency
Agency Email Address
Address

FBI; ILFBICG00;

2111 W ROOSEVELT RD
CHICAGO, IL 60608

Agency
Agency Email Address
Address

US PROBATION; .IL016017G;

230 S DEARBORN ST
CHICAGO, IL 60604

Agency
Agency Email Address
Address

FED PRISON CAMP; MN069037C;

PO BOX 1400
DULUTH, MN 558141400

* * * END OF RECORD * * *

ATT 1, 1/6/11



DL/ID Image Retrieval

DL-ID Image

Driver License/ID #: S10087648123

Name: VITO R SCAVO

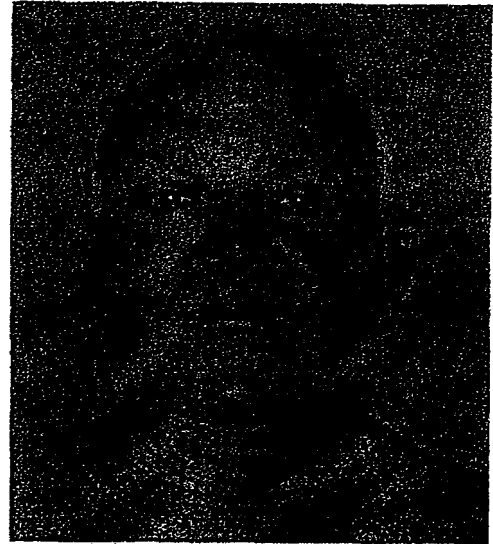
Street: 280 BRADDOCK

City: MELROSE PARK

Zip: 60160

Date Of Birth: 04/30/1948

Gender: MALE



Close

Print

Only for use as authorized by 625 ILCS 5/6-110.1 and 92 Ill. Adm. Code 1030.140. This information and image cannot be certified to be anything other than the information and image of the individual who presented himself or herself to the Secretary of State's Office with the required forms of identification.

EXHIBIT 29



DB



Dan

May 31, 2017, 1:28 PM

7015 1660 0001 0502 9443

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

HOBART IN-4632 SPECIAL USE

Certified Mail Fee	\$3.35
Extra Services & Fees (attach box, and fee as applicable)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
Total Postage and Fees	\$3.84

Sent To _____
 Street and Apt. No., or PO Box No. _____
 City, State, ZIP+4® _____

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here
 0171
 01
 05/31/2017

Check is in the mail!

Jun 5, 2017, 5:58 PM

Hey Dan, I just wanted to see if you got the check for mine and Vitos deposit. It was made out from Starr Plumbing.

Got it.

Awesome

STARR PLUMBING INC.
P.O. BOX 1102
MELROSE PARK, IL 60151

1089

DATE 5-31-17

PAY TO THE ORDER OF Midwest Hunting Consultants LLC. \$ 3000.00

Three Thousand Dollars 00/100 DOLLARS

PAN AMERICAN BANK
Plus the Dragon

FOR Dep - Sec - Save

[Signature]

⑆001089⑆ ⑆071006868⑆ 04800563001⑆

Check 1089 Amount \$3,000.00 Date 6/7/2017

EXHIBIT 30

6/18/2018

Check Details - chase.com



Printed from Chase Personal Online

Check

Front

JOHN A SCATCHELL 912 NORWOOD ST MELROSE PARK, IL 60160-2244		2882
DATE <u>11/11/17</u>		2-1/710
PAY TO THE ORDER OF	<u>M.D. West Hunting Consultants</u>	\$ <u>3000.00</u>
<u>Three thousand and 0/100</u>		DOLLARS
 JPMorgan Chase Bank, N.A. www.Chase.com		
MEMO	<u>Trans. W. F. No</u>	<u>1/11/17</u>
⑆071000013⑆		⑆67030380⑆ 2882

Back

20171130 7913503695 E967084 3 FTCH023 04722 12377681 1400 5/3 Bank >042000314<	ENDORSE HERE Midwest Hunting Consultants 8250416053
--	---

Post date	Check #	Check amount
Nov 30, 2017	2882	\$3,000.00

6/18/2018

Check Details - chase.com



Printed from Chase Personal Online

Check

2nd Deposit

Front

JOHN A SCATCHELL 912 NORWOOD ST MELROSE PARK, IL 60160-2244		2882
DATE <u>11/11/17</u>		2-1/710
PAY TO THE ORDER OF	<u>Midwest Hunting Consultants</u>	\$ <u>3000.00</u>
<u>Three thousand and 0/100</u>		DOLLARS
CHASE JPMorgan Chase Bank, N.A. www.Chase.com		
MEMO	<u>Tran V. F. Co</u>	
⑆071000013⑆		⑆67030380⑆ 2882

Back

20171130 7913503695 E967084 3 FTCH023 04722 12377681 1400 5/3 Bank >042000314<	ENDORSE HERE Midwest Hunting Consultants 8280416053
--	---

Post date	Check #	Check amount
Nov 30, 2017	2882	\$3,000.00

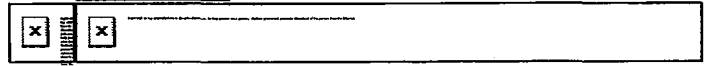
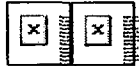
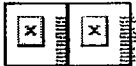
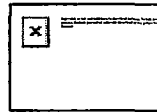
EXHIBIT 31

Fowler, Jeff

From: Christopher Cooper <cooperlaw3234@gmail.com>
Sent: Thursday, December 14, 2017 6:12 PM
To: Fowler, Jeff
Subject: Fwd: J. SCATCHELL 12/21/17 Itinerary

----- Forwarded message -----

From: John Scatchell <jscatch88@gmail.com>
Date: Thu, Dec 14, 2017 at 6:11 PM
Subject: Fwd: J. SCATCHELL 12/21/17 Itinerary
To: cooperlaw3234@gmail.com



AA Record Locator: USLFTI

Status: ON HOLD - Purchase By: Nov 22, 2017 11:59 PM PST

Your Itinerary

Carrier	Flight Number	Departing		Arriving		Booking Code	Meals
		City	Date & Time	City	Time		
AMERICAN AIRLINES	2737	PDX Portland	Dec 21, 2017 07:45 PM	PHX Phoenix	Dec 21, 2017 11:20 PM	Y	Food for purchase
AMERICAN AIRLINES	2691	PHX Phoenix	Dec 22, 2017 12:55 AM	ORD Chicago	Dec 22, 2017 05:14 AM	Y	Food for purchase

Traveler Information

Passenger	Class	Seat Assignment
JOHN SCATCHELL	Economy	
ANTHONY MAGGIO	Economy	
JOHN SCATCHELL	Economy	
ANTHONY MAGGIO	Economy	

Traveling passengers may check in and obtain boarding passes for U.S. domestic electronic tickets within 24 hours of the flight time online at AA.com by using www.aa.com/checkin or at a Self-Service Check-In machine at the airport. Check-in options may be found at www.aa.com/options. For information regarding American Airlines checked baggage policies, please visit www.aa.com/baggageinfo.

Scatchell Dep Ex No. 16
 for ID, as of 1/9/18

Travelers must present a government-issue photo ID with either a boarding pass or a priority verification card at the security screening checkpoint

Please remember flight details are subject to change. In order to check a flight's status, gate, or departure and arrival time, go to www.aa.com and enter the flight information in the Gates and Times search area. In order to receive automatic notifications of flight changes, click on the Flight Status Notifications section on the www.aa.com homepage and enter the required flight and contact information.

[Privacy Policy](#)

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Christopher Cooper, JD, ESQ, PhD, Practice in Indiana and Illinois

Fraternal Order of Police Legal Defense Plan Attorney

EMPLOYMENT LAW PRACTICE (Before Police Boards & in Federal Court)

Law Office of Christopher Cooper, INC.
79 West Monroe Street, Suite 1213, Chicago, IL 60603
TEL: 312 473 2968; Fax: 866 334 7458
cooperlaw3234@gmail.com
WEBSITE: civilrightsemploymentlaw.com

INDIANA
LAW OFFICE OF CHRISTOPHER COOPER, INC.
426 N. Broad Street, Griffith, Indiana 46319
TEL: 219 228 4396 Fax: 866 334 7458
cooperlaw3234@gmail.com

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EXHIBIT 32

Fowler, Jeff

From: Christopher Cooper <cooperlaw3234@gmail.com>
Sent: Thursday, December 14, 2017 6:12 PM
To: Fowler, Jeff
Subject: Fwd: MileagePlus eTicket Itinerary and Receipt for Confirmation MDWZHK

----- Forwarded message -----

From: John Scatchell <jscatch88@gmail.com>
Date: Thu, Dec 14, 2017 at 6:11 PM
Subject: Fwd: MileagePlus eTicket Itinerary and Receipt for Confirmation MDWZHK
To: cooperlaw3234@gmail.com



Confirmation:
MDWZHK

Issue Date: November 18, 2017

TRAVELER INFORMATION

Traveler	eTicket Number	Frequent FlyerNumber	Seats
SCATCHELLJR/JOHN	0162374215620	UA-XXXXX787	36C

FLIGHT INFORMATION

Day, Date	Flight	Class	Departure City and Time	Arrival City and Time	Aircraft	Meal
Sun, 17DEC17	UA1836	YN	CHICAGO, IL (ORD - O'HARE) 4:35 PM	PORTLAND, OR (PDX) 7:06 PM	A-320	Purchase

FARE INFORMATION

Fare Breakdown

- Airfare:

USD

- September 11th Security Fee:

MileagePlus Account Debited: MileagePlus Miles Debited/
DLV27787 Award Used:
0.00 Form of Payment: 25000/E25K
VISA
Last Four Digits 7868

5.60

- Per Person Total:

5.60

USD

- eTicket Total:

5.60

USD

The airfare you paid on this itinerary totals: 0.00 USD

The taxes, fees, and surcharges paid total: 5.60 USD

Award Rules: Additional charges may apply for changes in addition to any fare rules listed.
RWD/NONEND/-TRAN;VALID UA;NOT VALID AFTER 11/17/2018
All changes must be made prior to the departure date, or the ticket has no value.

Baggage allowance and charges for this itinerary.

Baggage fees are per traveler

Origin and destination for checked baggage	1 st bag	2 nd bag	Maximum weight and dimensions per piece of baggage	
			Max wt / dim per piece	
12/17/2017 Chicago, IL (ORD - O'Hare) to Portland, OR (PDX)	25.00 USD	35.00 USD	50.0lbs (23.0kg) - 62.0in (157.0cm)	

Important Information about MileagePlus Earning



Accruals vary based on the terms and conditions of the traveler's frequent flyer program, the traveler's frequent flyer status and the itinerary selected. United MileagePlus® mileage accrual is subject to the rules of the MileagePlus program



Once travel has started, accruals will no longer display. You can view your MileagePlus account for posted accrual



You can earn up to 75,000 award miles per ticket. The 75,000 award miles cap may be applied to your posted flight activity in an order different than shown



PQD are a Premier status requirement for members in the U.S. only.



Accrual is only displayed for MileagePlus members who choose to accrue to their MileagePlus account.

MileagePlus eTicket Reminders



Check-in Requirement - Bags must be checked and boarding passes obtained at least 30 minutes prior to scheduled departure. Baggage will not be accepted and advance seat assignments may be cancelled if this condition is not met.

EXCEPTION: When departing from Anchorage, Atlanta, Austin, Baltimore, Chicago, Cincinnati, Cleveland, Dallas/Ft. Worth, Denver, Detroit, Fort Lauderdale, Greenville-Spartanburg, Guam, Honolulu, Houston, Indianapolis, Jacksonville, Kona, Las Vegas, Los Angeles, Maui, Miami, New York (LGA), Newark, Orange County (SNA), Orlando, Philadelphia, Phoenix, Pittsburgh, Raleigh/Durham, Reno, San Diego, San Francisco, San Juan, PR (60 minutes), Savannah, Seattle, St. Louis, St. Thomas, U.S. Virgin Islands (60 minutes), Tampa, Washington, DC (both IAD and DCA), the check in requirement time for Passengers and Bags is 45 minutes except where noted.



Boarding Requirement - Passengers must be prepared to board at the departure gate with their boarding pass at least 15 minutes prior to scheduled departure.



Failure to meet the **Boarding Requirements** may result in cancellation of reservations, denied boarding, removal of checked baggage from the aircraft and loss of eligibility for denied boarding compensation.



Bring your boarding pass or this eTicket Receipt along with photo identification to the airport.



The FAA now restricts carry-on baggage to one bag plus one personal item (purse, briefcase, laptop computer, etc.) per passenger. The fare rules for your ticket may restrict your carry-on baggage allowance even further.



For up to the minute flight information, sign-up for our Flight Status Updates or call 1-800-824-6200; in Spanish 1-800-426-5561.



If flight segments are not flown in order, your reservation will be cancelled. Rebooking will be subject to the fare rules governing your ticket.



For the most current status of your reservation, go to our Flight Status page.



Your eTicket is non transferable and valid for 1 year from the issue date unless otherwise noted in the fare rules.



Award travel is subject to the terms and conditions of the MileagePlus program.



Redeposit or change fees apply for award travel based on Premier level. Please go to united.com or call 800-UNITED-1 for details.

Customer Care Contact Information

We welcome your compliments, comments or complaints regarding United or a United travel experience. You may contact us using our Customer Care form

Refunds Within 24 Hours

When you book and ticket a reservation through united.com, the United mobile app, the United Customer Contact Center, at our ticket counters or city ticket offices, or if you use MileagePlus® miles to book an award ticket, we will allow you to cancel the ticketed reservation without penalty and receive a 100 percent refund of the ticket price to the original form of payment if you cancel the reservation within 24 hours of purchase and if the reservation is made one week or more prior to scheduled flight departure.

Hazardous materials

Federal law forbids the carriage of hazardous materials on board aircraft in your luggage or on your person. A violation can result in five years imprisonment and penalties of \$250,000 or more (49 U.S.C. 5124).

Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials. Common examples of hazardous materials/dangerous goods include spare or loose lithium batteries, fireworks, strike-anywhere matches, aerosols, pesticides, bleach and corrosive materials.

Additional information can be found on:

- - [united.com restricted items page](#)
 - [FAA website Pack Safe page](#)
 - [TSA website Prohibited Items page](#)

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Notice of Baggage Liability Limitations - For domestic travel between points within the United States (except for domestic portions of international journeys), United's liability for loss of, damage to, or delay in delivery of a customer's checked baggage is limited to \$3,500 per ticketed customer unless a higher value is declared in advance and additional charges are paid (not applicable to wheelchairs or other assistive devices). For such travel, United assumes no liability for high value, fragile, perishable, or otherwise excluded items; excess valuation may not be declared on certain types of valuable articles. Further information may be obtained from the carrier. For international travel governed by the Warsaw Convention (including the domestic portions of the trip), maximum liability is approximately 640 USD per bag for checked baggage, and 400 USD per passenger for unchecked baggage. For international travel governed by the Montreal Convention (including the domestic portions of the trip), maximum liability is 1,131 SDRs per passenger for baggage, whether checked or unchecked. For baggage lost, delayed, or damaged in connection with domestic travel, United requires that customers provide preliminary notice within 24 hours after arrival of the flight on which the baggage was or was to be transported and submit a written claim within 45 days of the flight. For baggage damaged or delayed in connection with most international travel (including domestic portions of international journeys), the Montreal Convention and United require customers to provide carriers written notice as follows: (a) for damaged baggage, within seven days from the date of receipt of the damaged baggage; (b) for delayed baggage, within 21 days from the date the baggage should have been returned to the customer. Please refer to Rule 28 of United's Contract of Carriage for important information relating to baggage and other limitations of liability.





Notice of Incorporated Terms - Transportation is subject to the terms and conditions of United's Contract of Carriage, which are incorporated herein by reference. Incorporated terms may include, but are not limited to: 1. Limits on liability for personal injury or death of the customer, and for loss, damage, or delay of goods and baggage, including high value, fragile, perishable, or otherwise excluded items. 2. Claims restrictions, including time periods within which customers must file a claim or bring an action against the carrier. 3. Rights of the carrier to change terms of the contract. 4. Rules about reconfirmation of reservations, check-in times, and refusal to carry. 5. Rights of the carrier and limits on liability for delay or failure to perform service, including schedule changes, substitution of an alternate air carrier or aircraft, and rerouting. The full text of United's Contract of Carriage is available at united.com or you may request a copy at any United ticket counter. Passengers have the

right, upon request at any location where United's tickets are sold within the United States, to receive free of charge by mail or other delivery service the full text of United's Contract of Carriage.

 **Notice of Certain Terms** - If you have purchased a restricted ticket, depending on the rules applicable to the fare paid, one or more restrictions including, but not limited to, the following may apply to your travel: (1) the ticket may not be refundable but can be exchanged for a fee for another restricted fare ticket meeting all the rules/restrictions of the original ticket (including the payment of any difference in fares); (2) a fee may apply for changing/canceling reservations; or (3) select tickets may not be eligible for refunds or changes even for a fee; (4) select tickets have no residual value and cannot be applied towards the purchase of future travel; or (5) travel may be restricted to specific flights and/ or times and a minimum and/or maximum stay may be required. United reserves the right to refuse carriage to any person who has acquired a ticket in violation of any United tariffs, rules, or regulations, or in violation of any applicable national, federal, state, or local law, order, regulation, or ordinance. Notwithstanding the foregoing, you are entitled to a full refund if you cancel a ticket purchased at least a week prior to departure within 24 hours of purchase.

 **Notice of Boarding Times** - For Domestic flights, customers must be at the boarding gate at least 15 minutes prior to scheduled departure. For International flights, customers must be at the boarding gate at least 30 minutes prior to scheduled departure. The time limits provided by United in this Notice are minimum time requirements. Customer and baggage processing times may differ from airport to airport. Please visit united.com for information regarding airport-specific boarding times. It is the customer's responsibility to arrive at the airport with enough time to complete check-in, baggage, and security screening processes within these minimum time limits. Please be sure to check flight information monitors for the correct boarding gate and the departure time of your flight. Failure to be at the boarding gate by the required time could result in the loss of your seat without compensation, regardless of whether you are already checked in or have a confirmed seat and boarding pass.

 **Advice to International Passengers on Carrier Liability** - Passengers on a journey involving an ultimate destination or a stop in a country other than the country of departure are advised that international treaties known as the Montreal Convention, or its predecessor, the Warsaw Convention, including its amendments, may apply to the entire journey, including any portion thereof within a country. For such passengers, the treaty, including contracts of carriage embodied in applicable tariffs, governs, and may limit the liability of the Carrier in respect of death or injury to passengers, and for destruction or loss of, or damage to, baggage, and for delay of passengers and baggage.

 **Notice - Overbooking of Flights** - Airline flights may be overbooked, and there is a slight chance that a seat will not be available on a flight for which a person has a confirmed reservation. If the flight is overbooked, no one will be denied a seat until airline personnel first ask for volunteers willing to give up their reservation in exchange for compensation of the airline's choosing. If there are not enough volunteers, the airline will deny boarding to other persons in accordance with its particular boarding priority. With few exceptions, including failure to comply with the carrier's check-in deadlines, which are available upon request from the air carrier, persons, denied boarding involuntarily are entitled to compensation. The complete rules for the payment of compensation and each airline's boarding priorities are available at all airport ticket counters and boarding locations. *Some airlines do not apply these consumer protections to travel from some foreign countries, although other consumer protections may be available. Check with your airline or your travel agent.*

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For assistance, please contact United Airlines via telephone or via e-mail.

--

Christopher Cooper, JD, ESQ, PhD, Practice in Indiana and Illinois

Fraternal Order of Police Legal Defense Plan Attorney

EMPLOYMENT LAW PRACTICE (Before Police Boards & in Federal Court)

Law Office of Christopher Cooper, INC.
79 West Monroe Street, Suite 1213, Chicago, IL 60603
TEL: 312 473 2968; Fax: 866 334 7458
cooperlaw3234@gmail.com

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INDIANA

LAW OFFICE OF CHRISTOPHER COOPER, INC.
426 N. Broad Street, Griffith, Indiana 46319
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EXHIBIT 33



2017/18

Outfitter Permit Application



Check all that apply: New _____ Renewal X Class A Permit Deer/Turkey _____ Class B Permit Waterfowl X

Name of Applicant (if individual) or Contact Person: Vito R. Scavo
 Physical Address (No P.O. Box): _____
 City: _____ State: _____ Zip: _____ County: Cook
 Date of Birth: _____ Phone Number: _____

*Business Name: I Decoy M Guide Service
 Street: _____
 City: _____ State: _____ Zip: _____ County: Cook
 FEIN Number (if applicable): NTA Phone Number: (708) 634-6673
 Web Site: www.idecoy.com
 Applicant is: ☒ Individual ☐ Partnership
☐ Corporation ☐ Limited Liability Company
☐ Other (Specify): _____

*If applicant is a business entity, attach a copy of the organization papers filed with the Illinois Secretary of State and/or the certificate of compliance with the Assumed Business Name Act from the County Clerk.

I hereby certify that the above named applicant is a (check one) X Resident _____ Non-Resident of Illinois.
 (Note: An Illinois resident individual is a person who has resided in Illinois for at least 30 consecutive days prior to submitting any application. In order to qualify as a resident corporation or limited liability company, the business must have been in existence at least 30 days prior to submitting application for an Outfitter Permit, and more than 50% of the stock or ownership is owned by Illinois resident individuals.)

LIST ALL GUIDES TO BE EMPLOYED (INCLUDING SELF)

Name: <u>Vito R. Scavo</u>	Name: <u>John A. Scatchell</u>	Name: _____
Address: _____	Address: _____	Address: _____
Date of Birth: _____	Date of Birth: _____	Date of Birth: _____
SSN: _____	SSN: _____	SSN: _____

Name: _____	Name: _____	Name: _____
Address: _____	Address: _____	Address: _____
Date of Birth: _____	Date of Birth: _____	Date of Birth: _____
SSN: _____	SSN: _____	SSN: _____

Have all guides successfully completed an approved hunter safety course?(check one) Yes X No _____ If No, certification must be obtained before providing guide services.

ADDITIONAL NAMES MAY BE LISTED ON A SEPARATE SHEET OF PAPER.

application continued on reverse

0A10W2/1CP 01

MPD/SCATCHELL 172

CHIEF'S EXHIBIT _____

Applicant must also attach the following:

- ☒ 1. A listing of the county, township, range, section, acres and landowner name of the property where the outfitting services will be provided.
- ☒ 2. For Class A outfitters - completed proposed management plan, consisting of a description of hunting activities for the hunting season, including the approximate number of hunters, whether deer or turkey hunting and the type of weapons to be used. For Class B outfitter a description of the primary hunting activities proposed i.e.: duck or geese. (A management plan is not required for outfitters who only solicit or secure waterfowl, deer and/or turkey hunting clients for a landowner or tenant or another outfitter)
- ☒ 3. Proof of current commercial liability insurance for property damage, personal injury and death with a minimum benefit of \$1,000,000..
- ☐ 4. *For Class A renewals only.* Completed report of harvest form.
- ☐ 5. Class A Outfitters - Check or money order in the amount of \$500 for a resident applicant, \$2,500 for a non-resident applicant.
- ☒ 6. Class B Outfitters - Check or money order in the amount of \$250 for a resident applicant, \$1,500 for a non-resident applicant.

Certification:

IDNR requires license applicants to certify as follows: "I hereby certify, under penalty of perjury," that: (check all that apply)

☐ I am not subject to a child support order.

☐ I am not more than 30 days delinquent in complying with a child support order.

☐ I am more than 30 days delinquent in complying with a child support order.

☐ Prior to making application I have not been found guilty, by a court of law, of outfitting without a license.

Applicant's Social Security Number: [REDACTED]

Disclosure of applicant's Social Security Number is mandatory pursuant to 42 U.S.C. 666(a)(13) and 5 ILCS 100/10-65 for use under the State's child support enforcement program.

Failure to certify may result in denial of the application/renewal and making a false statement may subject the licensee to contempt of court [5 ILCS 100/10-65(c)].

I hereby certify that the information contained herein is true and accurate to the best of my knowledge.

Signature

Date:

7/1/17

Please return completed application to:
 Illinois Department of Natural Resources
 One Natural Resources Way
 Springfield, IL 62702-1271
 Attn: Outfitters

Equal opportunity to participate in programs of the Illinois Department of Natural Resources (IDNR) and those funded by the U.S. Fish and Wildlife Service and other agencies is available to all individuals regardless of race, sex, national origin, disability, age, religion or other non-merit factors. If you believe you have been discriminated against, contact the funding source's civil rights office and/or the Equal Employment Opportunity Officer, IDNR, One Natural Resources Way, Springfield, IL, 62702-1271; 217/785-0067; TTY 217/782-9175.

This information may be provided in an alternative format if required. Contact the IDNR Clearinghouse at 217/782-7496 for assistance.

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Revised 1/26/2016

MPD/SCATCHELL 173

EXHIBIT 34



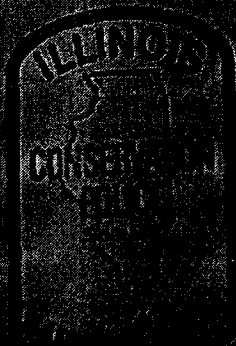
2017 - 2018

Illinois Licensed

Waterfowl

Outfitters

December 07, 2017



Scavo, Vito

I Decoy M Guide Service

280 Braddock Dr

Melrose Park, il 60160

License #: WF1700619 County: Cook

Phone: (708) 906-3644

Date Issued: 07/24/2017 Expires: 06/30/2018

Guides

John A Scatchell

Vito R Scavo

EXHIBIT 35

BOARD OF FIRE & POLICE COMM'R VILLAGE OF MELROSE PARK, IL

DEPUTY CHIEF MICHAEL CASTELLAN,
PETITIONER,

No. 18-1

v.

JOHN SCATCHELL JR.,
RESPONDENT.

Respondent's Answer to Petitioners' Statement of Charges

NOW COMES Respondent, John A. Scatchell ("Ofc. Scatchell" or "Scatchell"), by and through his attorneys, Christopher C. Cooper and Gianna Scatchell of the Fraternal Order of Police Legal Defense Plan. **Respondent hereby files his involuntary—and coerced—** Answer to Petitioners' Statement of Charges against him. Respondent states that he has been compelled to "Answer", by Board of Fire & Police Comm'r Village of Melrose Park, Illinois ("Board" or "BOFPC") rules. Respondent will be filing his forthcoming Motion to Dismiss. Respondent further states that by compelling him to file an Answer, the Board has violated his 5th Amendment right not to incriminate himself. Accordingly, without admitting the legal sufficiency or waiving any objections and responding only to factual allegations therein, Respondent, through his attorneys, states as follows:

1. Director Pitassi at all times relevant to bringing these charges was and is the duly appointed Director of Police of the Village of Melrose Park.

ANSWER: Respondent objects to the undefined term "director" as vague and ambiguous because Pitassi uses Chief and Director interchangeably.¹ For the remaining allegations in this Paragraph, Scatchell has insufficient information to admit or deny the allegations contained in this Paragraph and, therefore, neither admits nor denies the same but demands strict proof thereof.

¹ True and correct copies of Pitassi using both Chief and Director are attached hereto as Exhibit 1

2. Deputy Chief Castellán at all times relevant to bringing these charges was and is a duly appointed Deputy Chief of Police of the Village of Melrose Park, and is authorized to act on behalf of the Director of Police in this matter.

ANSWER: Respondent admits that Deputy Chief Castellán is one of the deputy chiefs. For the remaining allegations in this Paragraph, Respondent has insufficient information to admit or deny the allegations and, therefore, neither admits nor denies the same but demands strict proof thereof.

3. Officer John A. Scatchell ("Ofc. Scatchell") is a duly appointed member of the Melrose Park Police Department and is an Officer as that term is defined in the Board's Rules and Regulations.

ANSWER: Admit

4. The Melrose Park Police Department has a very generous sick leave provision - full pay for six months for conditions that originated off duty and "An officer who is placed on sick leave as a result of an injury or illness contracted in the in [sic] line of duty shall be entitled to full pay for one (1) year."

ANSWER: Deny the allegations in the first sentence of this Paragraph because the phrase "generous sick leave policy" is vague, ambiguous, and argumentative. To the extent the allegations of Paragraph 4 seek to paraphrase or characterize the Sick Leave Policy, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.²

5. Ofc. Scatchell was hired as a police officer for the Village of Melrose Park on September 26, 2012 and he received MPPD's Standard Operating Procedures and rules when he was hired.

ANSWER: Paragraph Five is admitted, except that Scatchell did not receive a printed version of the MPPD Standard Operating Procedures ("SOP's"), he received a CD-ROM. At the time Scatchell received the CD-Rom, he did not have an opportunity to review the 500 + page SOP's before directed to sign an acknowledgement form. Further, the SOP acknowledgement form was never signed by Scatchell.³ Scatchell further states that the SOP Acknowledgement forms for 2013, 2014, 2015, 2016, and 2017 SOP's are not in his personnel file. Scatchell denies all remaining allegations in this Paragraph.

6. In February 2015 Ofc. Scatchell reported that he was injured in an altercation and he reportedly suffered from a cervical strain to his upper back and lower neck. Ofc. Scatchell was off work from February 5, 2015 until he was released to work full duty effective April 24, 2015.

² Copies of the MPPD Sick Leave Policy, SOP's, and CBA are attached hereto as Exhibit 2.

³ A copy of the unsigned Acknowledgement Form is attached hereto and incorporated by reference as Ex. 3.

ANSWER: Admit and Denies to the extent that the averment announces and medical diagnosis. Officer Scatchell is not competent to diagnose the then condition. Scatchell denies all remaining allegations in this Paragraph.

7. After February 2015, Ofc. Scatchell was not injured further while at work.

ANSWER: This Paragraph does not contain an allegation of fact to which no answer is required. Scatchell further objects to this allegation because the word "injured" is vague and broad. Scatchell denies all remaining allegations in this paragraph.

8. On or about July 24, 2017, Vito Scavo obtained a Waterfowl Outfitter's License on behalf of an entity named "I Decoy M Guide Service" for 2017-2018, listing Ofc. Scatchell as an employee and "Guide" for the Company. Ofc. Scatchell never sought or received permission to accept secondary employment with I Decoy M Guide Service.

ANSWER: Scatchell denies that he was employed with Scavo's company. Scatchell admits that he never sought or received permission to accept secondary employment because he was never an employee. For the remaining allegations in this Paragraph, Respondent has insufficient information to admit or deny the allegations contained in this Paragraph and, therefore, neither admits nor denies the same but demands strict proof thereof.

9. Mr. Scavo is a convicted felon. Ofc. Scatchell is aware that Mr. Scavo is a felon and is prohibited from possessing a firearm. In fact, possession of a firearm by a felon in Illinois is a Class 3 felony with a mandatory minimum 2-year prison sentence in Illinois, and is therefore a serious crime.

ANSWER: Scatchell objects to Paragraph 9 as seeking irrelevant, and highly prejudicial information about the former MPPD Police Chief who is not a party to this matter. The statement of fact is not reasonably calculated to produce discoverable evidence. The third sentence of paragraph 9 is a statement of law to which no response is required; therefore, Scatchell neither admits nor denies the same but demands strict proof thereof. To the extent that a response is required, Scatchell denies all remaining allegations and inferences in paragraph 9 of Petitioners' Statement of Charges.

10. Ofc. Scatchell is an avid hunter. He scheduled vacation for October 2017 to correspond with the beginning of waterfowl hunting season, and during that period he frequently went waterfowl hunting with Mr. Scavo.

ANSWER: The first sentence of this Paragraph contains Petitioner's characterization of Respondent, which requires no response. Scatchell objects to the undefined term "avid hunter" as vague, ambiguous, and prejudicial. Scatchell admits that one of his scheduled vacations occurred in October 2017. Scatchell denies the remaining allegations in this Paragraph because the information sought is irrelevant and not reasonably calculated to produce discoverable evidence.

11. Waterfowl hunting is typically done with a shotgun and shotguns have significant recoil affecting the shooter's shoulder, upper back and neck area.

ANSWER: The first sentence of this Paragraph contains Petitioner's characterization of "waterfowl hunting", which requires no response. To the extent that this Paragraph could be interpreted as containing any allegations of fact, Scatchell objects to the undefined term "shotgun" as vague and ambiguous. Several types of shotguns exist. Each type of shotgun has different recoil, size, and purpose. Scatchell also objects to the undefined term "significant recoil" as vague and ambiguous. Scatchell further objects to this Paragraph because the information sought is irrelevant and not reasonably calculated to produce discoverable evidence. To the extent that a response is deemed required, Scatchell denies all allegations and inferences contained in this paragraph.

12. Ofc. Scatchell was on approved vacation and/or "time due" from October 13, 2017 to November 8, 2017.

ANSWER: Based on recent claims by the MPPD through its attorneys as to what constitutes "approved" or "disapproved" vacation time, Respondent has insufficient information to admit or deny the allegations contained in this Paragraph and, therefore, neither admits nor denies the same but demands strict proof thereof.

13. According to Ofc. Scatchell, in late October or early November 2017, after he had been on vacation for at least ten days, and while he was on vacation, he felt pain in his back which he claims related to his February 2015 work-related injury.

ANSWER: Based on recent claims by the MPPD through its attorneys as to what constitutes "approved" or "disapproved" vacation time, Respondent has insufficient information to admit or deny the allegations contained in this Paragraph and, therefore, neither admits nor denies the same but demands strict proof thereof. To the extent that an answer is required, Respondent invokes his Fifth Amendment right to remain silent as to the matter of pain.

14. On November 9, 2017, Ofc. Scatchell presented a note from Dr. Maryam Sandoval reporting that Ofc. Scatchell "was seen and evaluated ... for an acute musculoskeletal condition that has not yet resolved. He remains on active treatment and has been advised to continue to rest at home. Please excuse the patient from work until further notice."

ANSWER: To the extent the allegations of Paragraph 14 seek to paraphrase or characterize Dr. Sandoval's doctor's note, the document speaks for itself. A true and correct copy of the Dr.'s Note is attached hereto and incorporated by reference as Exhibit 3. Scatchell denies the allegations to the extent that they are inconsistent with that document.⁴

⁴ A true and correct copy of the Dr.'s Note is attached hereto and incorporated by reference as Exhibit 4.

15. Ofc. Scatchell did not tell his physicians that he was hunting during his medical leave or ask about whether hunting with a shotgun was consistent with the medical restrictions.

ANSWER: Petitioner's allegation is vague and ambiguous and, therefore, is denied in its entirety. Officer Scatchell further denies these allegations as premature and based on speculation. Scatchell objects to the undefined term "hunting" as vague and ambiguous and, therefore, is denied in its entirety. To the extent that a response is deemed required, Scatchell denies all remaining allegations and inferences contained in paragraph 15.

16. In contravention to his doctor's orders, Ofc. Scatchell frequently went hunting for waterfowl during the period of his medical leave, usually carrying heavy equipment and shotguns.

ANSWER: Deny. Petitioner's allegation is inconsistent and contradictory to the allegation in Paragraph 15. Either Officer Scatchell did not tell his doctors he was hunting (Paragraph 15) or he violated his doctor's orders not to hunt (Paragraph 16). Scatchell objects to the undefined term "hunting" as vague and ambiguous and, therefore, is denied in its entirety. To the extent that an answer is deemed required, Scatchell denies all remaining allegations contained in Paragraph 16.

17. On November 19, 2017, Ofc. Scatchell asked his supervisor for time off on December 21, 22, 26, 27, 28, 29, 30 and 31st to travel to Mexico. On December 4, 2017, the request was denied because Ofc. Scatchell was on medical leave.

ANSWER: Scatchell has insufficient information to admit or deny the allegations because of the word "time off." To the extent that an answer is required, Respondent invokes his Fifth Amendment right to remain silent.

On October 6, 2017, Ofc. Scatchell obtained air travel arrangements for he and Mr. Scavo to travel to and from Harlingen, Texas, between December 26-30, 2018.

ANSWER: Scatchell has insufficient information to admit or deny the allegations because of the phrase "obtained." To the extent that a response is required, Scatchell objects to these allegations as irrelevant and not likely to produce discoverable evidence.

18. On or about November 18, 2017, Ofc. Scatchell obtained air travel arrangements to travel to and from Washington from December 17 to December 22, 2017. [sic].

ANSWER: Scatchell has insufficient information to admit or deny the allegations because of the phrase "obtained."

19. Ofc. Scatchell went on the trip to Washington as he had scheduled and his activities there included waterfowl hunting. Director Pitassi and Deputy Chief Castellan believe that Ofc. Scatchell also took his planned trip to Mexico in late December 2017.

ANSWER: Scatchell objects to this allegation to the extent it requires him to speculate as to what Pitassi and Castellan believe. Scatchell further objects to the reliance on the

undefined term “waterfowl hunting” as vague and ambiguous. Respondent admits he was in Washington. Scatchell denies all remaining allegations in this paragraph.

20. On November 20, 2017, Ofc. Scatchell, Mr. Scavo and others were hunting from a small boat and they were observed by Illinois Conservation Police with Mr. Scavo possessing a firearm and actively shooting over a prolonged period. When the boat returned to the shore, the Conservation Police Officer met and interviewed the group, including Ofc. Scatchell, who showed his Melrose Park Police Department badge and identified himself as a Melrose Park police officer and said that “he could not say if he saw Scavo shoot or not” and “[w]e are all in law enforcement here, we all know what’s going on.” Ofc. Scatchell knew that the Conservation Police Officer stated that he saw Mr. Scavo possessing and firing a shotgun, knew that the Conservation Police Officer did not believe Ofc. Scatchell’s denials and knew that the conduct would constitute a felony, but Ofc. Scatchell did not report the contact with the Conservation Police Officer to his supervisors.

ANSWER: Scatchell objects to the undefined terms “hunting” and “prolonged period” as vague and ambiguous. Scatchell further denies this allegation on the grounds that this excerpt does not fully encapsulate Scatchell’s response during his Interrogation.⁵ Scatchell additionally objects to the allegation that would require him to speculate as to what the DNR officer saw. Scatchell further denies that the allegations or inferences in Paragraph 20 contain a complete understanding of the conversation with the DNR. Scatchell only participated in an informal conversation. Scatchell denies all remaining allegations of fact contained in this paragraph.

21. On November 27, 2017, Ofc. Scatchell presented a note from Dr. Sandoval stating that “has been advised to resume light exercises and may walk outside of his home. However, he is not able to return to his full-time [sic] work pending completion and review of ordered tests.” During the ensuing period, Ofc. Scatchell did not merely engage in “light exercises” or “walk outside of his home,” but instead continued hunting activities on virtually a daily basis.

ANSWER: Scatchell objects to the undefined terms “hunting” as vague and ambiguous. Scatchell admits that on November 27, 2017, he presented a doctor’s note from Dr. Sandoval.⁶ To the extent the allegations of this Paragraph seek to paraphrase or characterize the contents of that written document, the document speaks for itself, and Respondent denies the allegations to the extent that they are inconsistent with that document. Respondent denies all remaining allegations and inferences contained in this Paragraph.

22. On December 8, 2017, Director Pitassi and Deputy Chief Castellan issued a notice to Ofc. Scatchell, informing him of the investigation into his conduct and scheduling an “interrogation” of Ofc. Scatchell. Ofc. Scatchell did not appear as ordered, and a new Notice was issued on December 20, 2017.

⁵ A true and correct copy of the Interrogation transcript is attached hereto and incorporated by reference as Ex. 5.

⁶ A true and correct copy of the 11/27/2017 Doctor’s Note is attached hereto and incorporated by reference as Ex. 6.

ANSWER: Scatchell admits that he received correspondence from Pitassi and Castellan. Scatchell denies that he did not appear as ordered for two reasons. First, the original hearing date, was on 12/19/2017, Scatchell's day off. Pursuant to the Uniform Peace Officer Disciplinary Act, any interrogations should be scheduled when the officer is on duty.⁷ Second, someone changed Scatchell's status on the MPPD's department scheduling software so that he did not have a day off, but was instead on sick leave.⁸ Scatchell denies all remaining allegations of fact contained in this paragraph.

23. On December 15, 2017, Ofc. Scatchell presented a note from Dr. Sandoval stating that Ofc. Scatchell's "ongoing medical problem ... has improved but not resolved. Based on recent test results, the patient has been referred to a specialist and his appointment is still pending. In the meantime, he may return to light duty employment pending the consultant input. His prior arranged travel plans are deemed safe and should not affect his ongoing medical problems." However, Ofc. Scatchell had not told Dr. Sandoval about the details of his travel plans, including his plan to go hunting.

ANSWER: Scatchell admits that on 12/15/2017, he presented a doctor's note from Dr. Sandoval.⁹ To the extent the allegations of this Paragraph seek to paraphrase or characterize the contents of that written document, the document speaks for itself, and Respondent denies the allegations to the extent that they are inconsistent with that document. Respondent denies all remaining allegations and inferences contained in this Paragraph.

24. On January 8, 2018, Dr. Sandoval issued a work restriction limiting Ofc. Scatchell to "Desk duty such as typing and paperwork" "but he should not carry or wear heavy equipment (ex. body armor) until seen by a specialist."

ANSWER: Scatchell admits that on January 8, 2018, he presented a doctor's note from Dr. Sandoval.¹⁰ To the extent the allegations of this Paragraph seek to paraphrase or characterize the contents of that written document, the document speaks for itself, and Respondent denies the allegations to the extent that they are inconsistent with that document. Respondent denies all remaining allegations and inferences contained in this Paragraph.

25. On January 9, 2018, Ofc. Scatchell participated in an interrogation regarding the investigation being conducted into his conduct. During the interrogation, Ofc. Scatchell was dishonest in some of his responses. For example, Ofc. Scatchell claimed that after feeling pain

⁷ 50 ILCS 725/3.3 ("All interrogations shall be conducted at a reasonable time of day. Whenever the nature of the alleged incident and operational requirements permit, interrogations shall be conducted during the time when the officer is on duty.")

⁸ A true and correct copy of the Schedule change is attached hereto and incorporated by reference as Ex. 7.

⁹ A true and correct copy of the 12/15/2017 Doctor's Note is attached hereto and incorporated by reference as Ex. 8.

¹⁰ A true and correct copy of the 01/08/2018 Doctor's Note is attached hereto and incorporated by reference as Ex. 9.

in his neck and back in early November 2017 he took extensive time off of hunting, he denied carrying two shotguns during his hunting trips in November 2017, he denied seeing Mr. Scavo possessing or firing a shotgun on November 20, 2018, -he denied that his shotguns had a recoil that could have affected his alleged neck or back injury, he falsely reported the findings of the Conservation Officer on November 20, 2017, and he falsely reported the dates he was working a side-job (when he claims that he noticed a re-injury). Each of these statements was false.

ANSWER: Scatchell objects to the undefined terms “hunting” as vague and ambiguous. Scatchell further objects to the undefined term “extensive” as overly broad without any constraining parameters. Scatchell admits that on January 9, 2018, he participated in an interrogation. To the extent that this Paragraph contains allegations of fact, Scatchell denies the remaining allegations.

26. During the interrogation, Ofc. Scatchell’s attorney agreed that Ofc. Scatchell would sign a release for the Village to obtain his medical records.

ANSWER: Scatchell admits that his attorney discussed the option of signing a medical release, but the attorneys had not yet limited the scope of the authorization. See Scatchell Interrogation pp. 157 – 160. To the extent the allegations of Paragraph 26 seek to paraphrase or characterize the conversation during the Interrogation, the transcript speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

27. On January 10, 2018, Ofc. Scatchell was given a work restriction from Dr. Dalip Pelinkovic, limiting him to sedentary work and no lifting more than ten pounds for six weeks.

ANSWER: Scatchell admits that on January 10, 2018, he presented a doctor’s note from Dr. Dalip Pelinkovic.¹¹ To the extent the allegations of this Paragraph seek to paraphrase or characterize the contents of that written document, the document speaks for itself, and Respondent denies the allegations to the extent that they are inconsistent with that document. Respondent denies all remaining allegations and inferences contained in this Paragraph.

28. After multiple communications between the Village’s attorney and Scatchell’s attorney about the medical release, on February 13, 2018, Director Pitassi issued a written order to Ofc. Scatchell to sign a medical release attached to the Order, and he was “further ordered not to hinder or interfere, in any way, with the medical providers regarding their submission of such records.” Rather than sign the release as instructed by Director Pitassi, Ofc. Scatchell instead (through his attorney/sister) signed a limited release applicable only to Dr. Sandoval and excluding any medical records from any other provider, including the specialist identified by Dr. Sandoval, and excluding any correspondence relating to Ofc. Scatchell.

¹¹ A true and correct copy of the 11/27/2017 Doctor’s Note is attached hereto and incorporated by reference as Ex. 10.

ANSWER: Respondent objects to this Paragraph because the information requested is protected from disclosure by the Fifth Amendment of the US Constitution in that Respondent has a right to not incriminate himself, and therefore incorporates his First Affirmative Defense (*infra*). Respondent further avers that he is under no obligation to incriminate himself.

Respondent admits that he signed a limited release at the advice of his attorney because Petitioner was not clear on which other medical providers it sought to subpoena. Respondent also has a right to privileged communications with his physician. Respondent has both a fundamental privacy and HIPAA (Health Insurance Portability and Accountability Act of 1996) right not to disclose his medical records to MPPD.

Respondent also admits that on or about February 13, 2018, Director Pitassi issued a written order compelling him to sign the medical release, but denies that he "hindered or interfered, in any way, with the medical providers regarding their submission of such records." Scatchell admits that his attorney removed the "request for correspondence relating to Scatchell" from the medical authorization because it is privileged communication between a doctor and her patient.

Scatchell objects to the undefined term "multiple communications." Scatchell admits that the Village's attorney and his attorney communicated about the medical authorizations, but denies that his attorneys agreed on the language of the medical authorization form. Scatchell denies the remaining allegations of this paragraph.

29. Despite Ofc. Scatchell's failure to comply with Director Pitassi's order, MPPD submitted the signed release to the medical providers and as of March 23, 2018, no documents have been provided. Director Pitassi and Deputy Chief Castellan therefore believe that Ofc. Scatchell has interfered with the production of his medical records, also in violation of the direct order he was given on February 13, 2018.

ANSWER: Respondent incorporates his affirmative defense (number 1), *infra*. Respondent is under no obligation to incriminate himself. Respondent has a right to privileged communications with his physician. Respondent has both fundamental and HIPAA (Health Insurance Portability and Accountability Act of 1996) rights not to disclose his medical records to MPPD.

Scatchell objects to the allegations relating to "Director Pitassi and Deputy Chief Castellan's belief[f]" as inadmissible hearsay. Scatchell has insufficient information to admit or deny the allegations that MPPD submitted the signed release to the medical providers or what Director Pitassi or DC Castellan "believe", therefore, he neither admits nor denies the same but demands strict proof thereof.

Scatchell denies that he failed to comply with 02/13/2018 Order because his attorney Emailed Petitioner's attorney a signed medical authorization form on 02/16/2018, which was the date of compliance. Scatchell further denies that he interfered with the production of medical records in violation of the 02/13/2018 Order. Scatchell admits that no

documents have been provided because Petitioner failed to follow the subpoena procedure as articulated by DuPage Medical Group.¹² Scatchell denies all remaining allegations of this paragraph.

COUNT I - Abuse of Sick Leave

30. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-30 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-29 as his answer to Paragraph 30 as though fully set forth herein.

31. MPPD's Policy Manual Rule 340.5.5(c) prohibits excessive absenteeism or abuse of leave privileges. Further, Section 1014.2 provides, "Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness."

ANSWER: Scatchell admits that Petitioner accurately quoted MPPD SOP's: §§ 340.5.5(c) or 1014.2. Code of Ethics in the MPPD Policy. To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies any allegations to the extent that they are inconsistent with that document.

32. Ofc. Scatchell's actions constituted an abuse of sick leave.

ANSWER: Officer Scatchell denies the conclusory allegations contained in Paragraph 32.

COUNT II - FAILURE TO REPORT CONTACT WITH ANOTHER LAW ENFORCEMENT AGENCY

33. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-33 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-32 as his answer to Paragraph 33 as though fully set forth herein.

34. MPPD's Policy Manual contains a Law Enforcement Code of Ethics, which includes, in part, the statement that "I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice."

ANSWER: Scatchell admits that Petitioner accurately quoted the Law Enforcement Code of Ethics in the MPPD Policy. To the extent the allegations of this Paragraph seek to

¹² A true and correct copy of the Denial Letter from DuPage Medical Group is attached hereto and incorporated by reference as Exhibit 11.

paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

35. MPPD's Policy Manual Rule 340.5.9(a) requires offices to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution.

ANSWER: Scatchell admits that Petitioner accurately paraphrases MPPD's Policy Manual Rule 340.5.9(a). To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

36. Ofc. Scatchell violated MPPD's rule by failing to report his contact with the Illinois Conservation Police on November 20, 2017.

ANSWER: Officer Scatchell denies the conclusory allegations contained in this Paragraph.

COUNT III - False Report to MPPD

37. Director Pitassi and Deputy Chief Castellano refer to and incorporate by reference the allegations in paragraphs 1-37 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-36 as his answer to Paragraph 37 as though fully set forth herein.

38. MPPD's Policy Manual Rules 340.5.8(a), (c) and (D) prohibit officers from failing to disclose or misrepresenting material facts during the course of any work-related investigation.

ANSWER: To the extent the allegations of Paragraph 38 seek to paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

39. Ofc. Scatchell violated MPPD's rules through his false statements to MPPD during its investigation of his conduct, including the following: a) he took an extensive period of time off of hunting after noticing pain in his back in late October or early November 2017; b) he never carried two shotguns during the period of October to December 2017; c) his statement that he did not see Mr. Scavo possessing a firearm or shooting on November 20, 2017; d) that his shotguns did not have a recoil that could have affected his alleged neck or back injury; he falsely reported the findings of the Conservation Officer on November 20, 2017; and he falsely reported the dates he was working a side-job (when he claims that he noticed a re-injury).

ANSWER: Officer Scatchell denies the allegations contained in this Paragraph in their entirety.

COUNT IV - PROVIDING FALSE INFORMATION TO ANOTHER LAW ENFORCEMENT AGENCY

40. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-40 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-39 as his answer to Paragraph 40 as though fully set forth herein.

41. MPPD's Policy Manual Rule 340.5.8(i) prohibits officers from engaging in any act, on- or off-duty, that brings discredit to MPPD.

ANSWER: To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

42. Pursuant to MPPD's Policy Manual Section 340.2 and 340.4, officers must follow MPPD guidelines both on and off duty.

ANSWER: To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD SOPS §§ 340.2 and 340.4, the documents speak for themselves, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

43. Rule 200.3.3 of MPPD's Policy Manual requires officers to "respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority" and Section 340.3 provides that officers "shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification."

ANSWER: To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD SOPS §§ 200.3.3 and 340.3, the documents speak for themselves, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

44. Ofc. Scatchell violated MPPD rules by not cooperating with and providing knowingly false information to a Conservation Police Officer on November 20, 2017.

ANSWER: Officer Scatchell denies the allegations contained in this Paragraph in their entirety.

COUNT V - Violating MPPD Rules in Communications with Conservation Police

45. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-45 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-44 as his answer to Paragraph 45 as though fully set forth herein.

46. MPPD's Policy Manual prohibits officers from "using or disclosing one's status as a member of the Melrose Park Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity."

ANSWER: To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

47. Ofc. Scatchell violated MPPD rules by showing his badge and identifying himself as a Melrose Park Police Officer to the Conservation Police Officer on November 20, 2017, and stating, "We are all in law enforcement here, we all know what's going on."

ANSWER: Deny in part as the recitation is incomplete. This does not correctly set out the general tenor of Scatchell's conversation regarding the DNR.¹³ To the extent the allegations of this Paragraph seek to paraphrase or characterize the Interrogation transcript, the document speaks for itself and Scatchell denies the allegations to the extent that they are inconsistent with that document.

COUNT VI - Disobeying Lawful Order Regarding Medical Records

48. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-48 above as though fully set forth herein.

ANSWER: Respondent repeats and re-alleges the allegations contained in paragraphs 1-47 as his answer to Paragraph 48 as though fully set forth herein.

49. Ofc. Scatchell disobeyed a lawful order from his supervisors by refusing to sign the medical release as instructed, and instead signing a modified version that did not adequately address all of the records that are relevant to his medical condition.

ANSWER: Respondent incorporates his affirmative defense (number 1), infra. Respondent is under no obligation to incriminate himself. Respondent has a right to privileged communications with his physician. Respondent has both fundamental privacy and HIPAA (Health Insurance Portability and Accountability Act of 1996) rights not to disclose his medical records to MPPD. Scatchell denies all remaining allegations of this paragraph.

50. Upon information and belief, Ofc. Scatchell has also disobeyed a lawful order by interfering with the production of his medical records.

¹³ See prior Exhibit

ANSWER: Respondent denies that disobeyed a lawful order that he interfered with the production of his medical records. Respondent further denies that the order was lawful.

COUNT VII - DISOBEYING LAWFUL ORDER RE: TIME OFF TO TRAVEL DURING MEDICAL LEAVE

51. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1 -51 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-50 as his answer to Paragraph 51 as though fully set forth herein.

52. Ofc. Scatchell disobeyed a lawful order by traveling to Washington from December 17-22, 2017.

ANSWER: Respondent denies the conclusory allegations contained in this Paragraph.

53. Upon information and belief, Ofc. Scatchell disobeyed a lawful order by traveling to Harlingen, Texas from December 26-30, 2017.

ANSWER: Respondent denies the conclusory allegations contained in this Paragraph.

COUNT VIII - Conduct Unbecoming

54. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-54 above as though fully set forth herein.

ANSWER: Respondent repeats and re-alleges the allegations contained in paragraphs 1-53 as his answer to Paragraph 54 as though fully set forth herein.

55. MPPD's Policy Manual Rule prohibits conduct unbecoming an officer, on- or off-duty when the conduct is "contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members."

ANSWER: To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

56. Ofc. Scatchell's activities constitute conduct unbecoming an officer, in violation of MPPD's rules.

ANSWER: Deny.

COUNT IX - Violating State Law

57. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-57 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-56 as his answer to Paragraph 57 as though fully set forth herein.

58. MPPD's Policy Manual Section 340.5.1 requires officers to comply with federal, state, local or administrative laws, rules or regulations.

ANSWER: To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

59. In assisting Mr. Scavo in possessing and firing a shotgun, Ofc. Scatchell violated state law, rules or regulations, and in violating state law, Ofc. Scatchell violated MPPD rules.

ANSWER: Scatchell denies these allegations in their entirety.

COUNT X - Association with a Known Felon

60. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-60 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-59 as his answer to Paragraph 60 as though fully set forth herein.

61. MPPD's Policy Manual Rule 340.5.4 prohibits officers from "Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department" and section 1050.2(e) provides "Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know ... is a convicted felon ... or who engages in serious violations of state or federal laws."

ANSWER: To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

62. Ofc. Scatchell's association with Mr. Scavo constitutes a violation of MPPD's rules.

ANSWER: The allegation in this Paragraph consists of a legal conclusion to which no response is required. To the extent that a response is deemed required, Respondent has insufficient information to admit or deny the allegations contained in this Paragraph and, therefore, neither admits nor denies the same but demands strict proof thereof.

COUNT XI - Secondary Employment Without Authorization

63. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-63 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-62 as his answer to Paragraph 63 as though fully set forth herein.

64. MPPD's Policy Manual Section 1040.2 requires officers to obtain "prior written approval of the Chief of Police" before engaging in outside employment and Section 1040.5 requires further that officers on disability leave or modified/light duty must seek permission for outside employment.

ANSWER: To the extent the allegations of this Paragraph seek to paraphrase or characterize the MPPD Policy Manual, the document speaks for itself, and Scatchell denies the allegations to the extent that they are inconsistent with that document.

65. By failing to seek authorization to accept employment as a Guide with I Decoy M Guide Service, Ofc. Scatchell violated MPPD rules.

ANSWER: Scatchell denies this allegation in its entirety. This allegation misstates that Scatchell was an employee, which he was not. Therefore, Scatchell denies he would have to seek any authorization. Scatchell further denies that Petitioner is entitled to relief on this purported secondary employment SOP violation or on any other claim in the Statement of Charges.

COUNT XII - Conduct Unbecoming and Violation of Law

66. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1-66 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-65 as his answer to Paragraph 66 as though fully set forth herein.

67. On or about November 13, 2017, Deputy Chief Castellan received an anonymous report that Ofc. Scatchell "is calling in sick when, in fact, he is not" and that instead, "He is out HUNTING every morning." As a result, MPPD initiated surveillance of Ofc. Scatchell to attempt to determine if there was any validity to the anonymous report. The surveillance was conducted by an experienced police officer and was conducted frequently over the course of the next month.

ANSWER: Deny. Anyone filing a complaint against a State Police Officer must have the complaint supported by a sworn affidavit." In accordance with the aforementioned law,

all complaints must contain a complainant signature and notary signature before the MPPD could lawfully investigate the alleged misconduct.¹⁴ To the extent that a response is required, Scatchell has insufficient information to admit or deny the allegations contained in this Paragraph and, therefore, neither admits nor denies the same but demands strict proof thereof.

Insufficient Knowledge: As to a complaint/report. As to initiation of surveillance on Respondent, the experience of a person who conducted surveillance; and the frequency of surveillance.

68. During the course of the surveillance, Ofc. Scatchell's vehicle was frequently observed travelling at incredibly high rates of speed, sometimes exceeding 100 mph and frequently ignoring stop signs, including within Melrose Park Village limits.

ANSWER: Deny. This allegation is overly broad in that it does not specify where and when and how fast Respondent was driving. This allegation is further denied on the basis that the allegation does not even allege Respondent was the driver of his vehicle at the time in question. Without more information as to dates, times, locations, rates of speed, and other relevant evidence, Scatchell has insufficient information to admit or deny the allegations contained in this Paragraph and, therefore, neither admits nor denies the same but demands strict proof thereof. Respondent further invokes his Fifth Amendment right to remain silent and not incriminate himself.

69. By either driving in the foregoing manner, or allowing another to drive in that manner while he was a passenger, and by identifying himself as an MPPD officer to avoid State Police action, Ofc. Scatchell has violated MPPD Rules.

ANSWER: Deny.

PRAYER FOR RELIEF BY PETITIONER: Director Pitassi and Deputy Chief Castellan respectfully request that a hearing be held before the Board of Fire and Police Commissioners of the Village of Melrose Park and that the Board terminate the employment of Officer John Scatchell as a police officer of the Village of Melrose Park. This request is made pursuant to the Board's Rules and Regulations requires further that officers on disability leave or modified/light duty must seek permission for outside employment.

ANSWER: Scatchell denies each and every allegation set forth in the prayer for relief. Scatchell denies any allegations as to damage and the amount thereof.

¹⁴ Illinois State Police Act, 20 ILCS 2610/14

66. By failing to seek authorization to accept employment as a Guide with I Decoy M Guide Service, Ofc. Scatchell violated MPPD rules.¹⁵

ANSWER: Deny.

COUNT XII - Conduct Unbecoming and Violation of Law¹⁶

67. Director Pitassi and Deputy Chief Castellan refer to and incorporate by reference the allegations in paragraphs 1 - 66 above as though fully set forth herein.

ANSWER: Respondent re-alleges and incorporates his answers to the allegations of paragraphs 1-66 as his answer to Paragraph 67 as though fully set forth herein.

68. On or about November 13, 2017, Deputy Chief Castellan received an anonymous report that Ofc. Scatchell "is calling in sick when, in fact, he is not" and that instead, "He is out HUNTING every morning." As a result, MPPD initiated surveillance of Ofc. Scatchell to attempt to determine if there was any validity to the anonymous report. The surveillance was conducted by an experienced police officer and was conducted frequently over the course of the next month.

ANSWER: Deny.

69. During the course of the surveillance, Ofc. Scatchell's vehicle was frequently observed travelling at excessively high rates of speed and frequently ignoring traffic signs and signals, including within Melrose Park Village limits.

ANSWER: Deny.

70. By either driving in the foregoing manner, or allowing another to drive in that manner while he was a passenger, Ofc. Scatchell has violated MPPD Rules.

ANSWER: Deny.

Respondent generally denies the allegations of Petitioner's complaint and demands strict proof thereof.

Respectfully submitted,

¹⁵ Petitioner incorrectly numbered the final Count of Petitioner's Complaint, entitled "Conduct Unbecoming and Violation of Law," as COUNT XII. The subject Count should have been sequentially numbered as Count XIII and therefore Respondent has referred to it as XII for the purposes of his Answer to Complaint.

¹⁶ Petitioner incorrectly numbered ¶¶ 66-70. The subject Paragraphs should have been sequentially numbered as 67-71 and therefore Respondent has referred to these Paragraphs as ¶¶ 66-70 for the purposes of his Answer to Complaint.

Respondent, Officer John Scatchell
By his attorneys Christopher Cooper and Gianna Scatchell
/s Gianna Scatchell

JURY DEMAND

Respondent, Officer Scatchell hereby demands a jury trial for all issues so triable.

AFFIRMATIVE DEFENSES

71. Respondent, John Scatchell, refers to and incorporates by reference the preceding paragraphs of their Petition as if fully rewritten herein.
72. Respondent asserts the following affirmative and other defenses without assuming any burden of production or proof that, pursuant to law, belong to Petitioner. Respondent reserves the right to amend his answer and to assert any additional defenses and affirmative defenses as may become available or apparent during the course of this proceeding.

1st Affirmative Defense—Violation of Officer Scatchell's 5th Amendment Right to be Free from Incriminating Himself.

73. Respondent, John Scatchell, refers to and incorporates by reference the preceding paragraphs of their Petition as if fully rewritten herein.
74. Respondent makes no admission of a refusal to sign a medical release. He denies the allegation. Respondent asserts that even in the above captioned proceedings (quasi-judicial in nature), he has a right to invoke his 5th Amendment right to remain silent. Client's medical records are in part or in whole, testimonial. In order to be "testimonial," an accused's oral or written communication, or act, must itself, explicitly or implicitly, relate a factual assertion or disclose information. (Cf. *Fisher v. United States*, 425 U.S. 391, 96 S.Ct. 1569, 48 L.Ed.2d 39; *United States v. Doe*, 465 U.S. 605, 104 S.Ct. 1237, 79 L.Ed.2d 552).
75. Based on Petitioner's erroneous allegations of fraud, Respondent "reasonably believes" the disclosure of medical records "could be used in a criminal prosecution or could lead to other evidence that might be so used." Respondent has both a fundamental and HIPAA (Health Insurance Portability and Accountability Act of 1996) right not to disclose his medical records to MPPD.

WHEREFORE, Respondent, John Scatchell requests that Complaint\Statement of Charges\Notice of Discipline be dismissed with prejudice.

2nd Affirmative Defense: MPPD Deviated from the CBA & Violated Scatchell's Rights

76. Respondent, John Scatchell, refers to and incorporates by reference the preceding paragraphs of their Petition as if fully rewritten herein.

77. That § 3.5 of the 2014 – 2017 Collective Bargaining Agreement for Lodge 19 outlines the process for reviewing sick claims and states in relevant part:

A Review Board composed of the (1) representation from the Police Department, who shall be designated by the Lodge, one (1) representation of the Village who shall be designated by the Village, and one (1) citizen representation, who shall be chosen jointly by the other two members of the Review Board shall oversee the application of the sick leave policy specified in the foregoing subsection, provided that the Review Board shall not inquire into any particular case until the officer has been on sick leave for at least one (1) month (emphasis added).

78. Officer Scatchell first went on sick leave on or about November 9, 2017.

79. That on or about November 14, 2017, and on information and belief, MPPD begin surveilling Respondent.

80. That on or about November 14, 2017, Respondent had only been on sick leave for four (4) days.

81. That on or about November 14, 2017, Respondent had a regular day off.

82. That on or about December 7, 2017, Officer Scatchell was on his earned vacation.

83. That on December 8, 2017, Officer Scatchell received MPPD's Notice of an Investigation pending against him.

84. That on December 8, 2017, Respondent was on sick leave for approximately 29 days.

85. That MPPD began investigating Officer Scatchell before he had been on sick leave "for at least one (1) month" in violating od the CBA by actively investigating Officer Scatchell.

WHEREFORE, Respondent, John Scatchell requests that Complaint\Statement of Charges\Notice of Discipline be dismissed with prejudice.

3rd Affirmative Defense: The Board is Illegally Constituted

86. Respondent, John Scatchell, refers to and incorporates by reference the preceding paragraphs of their Petition as if fully rewritten herein.

87. The Board is illegal and illegally constituted. "Where an administrative body acts outside of its specific statutory authority, it acts without jurisdiction, and its actions are void and a nullity from their inception." *Siddens v. Indust Comm'n*, 711 N.E.2d 18, 22 (1999); *Daniels v. Indus.*

Comm, 711 N.E.2d 936, 940 (2002); and, *Taylor v. Dart*, 64 N.E.3d 123, 126-27 (2016). The Board lacks jurisdiction of Officer Scatchell and the above captioned matter.

WHEREFORE, Respondent, John Scatchell requests that Complaint\Statement of Charges\Notice of Discipline be dismissed with prejudice.

4th Affirmative Defense: Petitioner's Statement of Charges Fails to State a Claim upon which Relief may be Granted.

88. Respondent, John Scatchell, refers to and incorporates by reference the preceding paragraphs of their Petition as if fully rewritten herein.

89. Petitioner's Statement of Charges fails to state a claim upon which relief may be granted because it does not contain enough facts to state a claim to relief that is plausible on its face. Instead, Petitioner's make numerous allegations based on speculation, what the Director or Deputy Chief "believe" which falls below the threshold of stating a claim.

WHEREFORE, Respondent, John Scatchell requests that Complaint\Statement of Charges\Notice of Discipline be dismissed with prejudice.

5th Affirmative Defense—Unclean Hands

90. Respondent, John Scatchell, refers to and incorporates by reference the preceding paragraphs of their Petition as if fully rewritten herein.

91. The Petitioner's complaint is barred in whole or in part by Petitioner's inequitable conduct which constitutes unclean hands. *Zahl v. Krupa*, 365 Ill. App. 3d 653, 658 (2006)

92. The circumstantial evidence presented fell short of proving wrongdoing on Officer Scatchell's part. In particular, the evidence did not establish that Scatchell acted illegally, immorally, or contrary to the established procedure of the MPPD. The whole area of how to properly deal with sick leave is problematic and the past practices show that the MPPD gave its officers considerable leeway in that area.

93. Further, Petitioner has not given evidence that Scatchell's testimony was un rebutted, and it is clear that superiors of Scatchell were aware of his conduct and did nothing about it from March 24, 1987 until November 12, 1987.

94. We further note that Scatchell had an unblemished record serving as a police officer for over 5 years without any incidents of discipline.

WHEREFORE, Respondent, John Scatchell requests that Complaint\Statement of Charges\Notice of Discipline be dismissed with prejudice.

6th Affirmative Defense: MPPD Violated Scatchell's Rights under the Family Medical Leave Act

95. Respondent, John Scatchell, refers to and incorporates by reference the preceding paragraphs of their Petition as if fully rewritten herein.
96. Eligible employees seeking to use FMLA leave may be required to provide: (a) 30-day advance notice of the need to take FMLA leave when the need is foreseeable; (b) notice "as soon as practicable" when the need to take FMLA leave is not foreseeable; (c) sufficient information for the employer to understand that the employee needs leave for FMLA-qualifying reasons; and (d) where the employer was not made aware that an employee was absent for FMLA reasons and the employee wants the leave counted as FMLA leave, timely notice (usually within 2 business days of returning to work) that leave was taken for a FMLA-qualifying reason.
97. Petitioner failed to provide proper notice as required by the FMLA. See 29 C.F.R. § 825.304.
98. Petitioner failed to provide paperwork as required by the FMLA when Officer Scatchell returned to work.
99. If Petitioner doubted the veracity of Scatchell's injury, it could have requested a medical certification under the FMLA provide proper notice as required by the FMLA.
100. Petitioner never requested Scatchell to fill out an FMLA medical certification.

WHEREFORE, Respondent, John Scatchell requests that Complaint\Statement of Charges\Notice of Discipline be dismissed with prejudice.

7th Affirmative Defense: Statement of Charges is Barred

101. Respondent, John Scatchell, refers to and incorporates by reference the preceding paragraphs of their Petition as if fully rewritten herein.
102. The Petitioner's complaint is barred whole because the Petitioner engaged in acts and courses of conduct which rendered it in pari delicto.

WHEREFORE, Respondent, John Scatchell requests that Complaint\Statement of Charges\Notice of Discipline be dismissed with prejudice.

8th Affirmative Defense: Waiver and Laches

103. Respondent, John Scatchell, refers to and incorporates by reference the preceding paragraphs of their Petition as if fully rewritten herein.
104. The Petitioner's complaint is barred in whole or in part by laches.
105. A defense of waiver is defined as "an intentional relinquishment of a known right."

106. Scatchell never was disciplined in the five years he has been a police officer.
107. Petitioner's disapproval of Scatchell's alleged misconduct did not occur until nearly five (5) years after he began working for the police department. There is no indication in the record that Scatchell was ever informed by his superiors that his conduct was inappropriate— where superiors knew about the conduct for over five years prior to filing a statement of charges; it seems that they acquiesced in and approved of his activities at that time.
108. Those responsible for Scatchell's police work acquiesced in and approved of his relationship with Scavo.

WHEREFORE, Respondent, John Scatchell requests that Complaint\Statement of Charges\Notice of Discipline be dismissed with prejudice.

s\Gianna Scatchell
FRATERNAL ORDER OF POLICE LEGAL DEFENSE PLAN COUNSEL
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s\Christopher Cooper, ESQ., Counsel for Respondent
FRATERNAL ORDER OF POLICE LEGAL DEFENSE PLAN COUNSEL
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Tel: 312 473 2968 [or] 219 228 4396 | cooperlaw3234@gmail.com

CERTIFICATE OF SERVICE: The undersigned certifies that she caused the foregoing to be filed with the Board, through its hearing officer, on May 10, 2018, and that a copy was served by email, on opposing counsel. s\Gianna Scatchell

EXHIBIT 36

**AGREEMENT BETWEEN THE VILLAGE OF MELROSE PARK
AND
THE MICKINZIE-VERTUNO MEMORIAL FRATERNAL ORDER OF POLICE
LODGE #19**

PREAMBLE

This agreement is entered into the Village of Melrose Park, an Illinois Municipal Corporation ("Employer"), and the Mickinzie -Vertuno Memorial Fraternal Order of Police Lodge No. 19 ("Lodge").

ARTICLE 1 - RECOGNITION AND LODGE SECURITY

Section 1.1 – Recognition & Bargaining Unit

The Employer recognizes the Lodge as the sole and exclusive collective bargaining representative for all sworn police officers, except the Chief and the Deputy Chief, employed by the Employer in its Department of Police.

Section 1.2 – Maintenance of Membership

Each officer who is a member of the Lodge on the effective date of this Agreement and each officer who becomes a member after that date shall, as a condition of employment, maintain his/her membership in good standing in the Lodge during the term of this Agreement. The regular and timely payment of dues (dues shall be for contract maintenance not for good standing) and other financial obligations uniformly required of Lodge members shall be sufficient to maintain membership in good standing under this section.

Section 1.3 – Fair Share Deduction

With respect to any officer who is not a member of the Lodge on the effective date of this Agreement or on the Thirtieth (30th) day of the officer's employment, whichever is later, the Employer shall deduct from the wages of the officer and forward to the Lodge a fair share of the cost of negotiating and administering this Agreement and its successors. The Lodge shall inform the Employer of the amount of the fair share deduction, which shall be uniform for all officers who are not Lodge members, and shall not exceed the amount of dues uniformly required of Lodge members.

ARTICLE 2 – EMPLOYEE SECURITY

Section 2.1 – Just Cause Standard

No officer covered by this Agreement shall be discharged, suspended, relieved from duty, or disciplined in any manner without just cause.

Section 2.2 – Performance Evaluations

Before any supervisor shall submit any Individual performance review, he or she shall meet with the officer reviewed and afford an opportunity to inspect the review. The reviewed

officer shall have the further opportunity of indicating his or her written review and placing his or her signature near such box.

Section 2.3 – Probationary Officers

Each officer employed with the Melrose Park Police Department will be on probation for a period of twelve (12) months.

Each officer must establish and thereafter at all times maintain residency three (3) months after completion of their probationary period totaling 15 months.

If an officer terminates he/her employment with the Melrose Park Police Department in order to obtain employment with another police department before that officer reached twenty-four (24) months of employment with the Melrose Park the full cost of the Police Academy incurred by the Village of Melrose Park.

ARTICLE 3 – SENIORITY

Section 3.1 – Definition

Each officer's seniority shall be defined as his or her continuous length of active service as a full time police officer in the Village. "Active service" refers to time actually worked by the officer. Time that is not considered to be "active service" for purposes of seniority calculation includes, but is not limited to, time off work pursuant to Sections 5.2.1(c), (d) and (e) in this Agreement. In the event that more than one officer has an identical cumulative length of service, their seniority shall be determined by their respective lengths of continuous active service as a police officer in the Village or by the hiring eligibility list, whichever is greater (the Lodge and Employer will compile and update the list).

Section 3.2 – Application

Seniority shall determine priority in choosing days off, bidding for voluntary overtime, holiday assignments, personal and vacation days off, and recall from layoff (Officers shall have the right to choose pay or time due especially on call backs or changing their RDO). In the event that non-disciplinary demotions or layoffs, becomes strictly necessary for economic reasons, officers with the least seniority shall be subject to such demotions or layoffs before officers with greater seniority.

ARTICLE 4 – GRIEVANCE AND ARBITRATION

Section 4.1 – Grievable Issues

Any dispute over meaning or application of the terms of this Agreement shall be grievable and shall be subject to binding arbitration as specified in this Article. There shall be no strikes while this Agreement is in effect. Grievable issues are only those issues relevant to the interpretation of this Collective Bargaining Agreement. General Village Employment Policies, Management Rights and S.O.P. are not grievable issues.

Section 4.2 – Initiation and Processing of Grievances

Should any grievable issue arise which has not been resolved by informal means to the satisfaction of all affected parties such as one or more officers, the Lodge, or the Employer, the Lodge or any aggrieved may initiate a grievance by reducing the issue or complaint to writing and specifying the requested relief. At this request of an aggrieved officer who has initiated a

grievance, the Lodge shall provide grievance representation to be adjusted in a manner, which is inconsistent with this Agreement.

Section 4.3 – First Step

The party initiating a grievance shall first attempt to resolve the issue or dispute with the aggrieved officer's immediate supervisor. If the aggrieved officer's immediate supervisor does not provide a response which is acceptable to the party initiating the grievance within five (5) days of the submission of the grievance to the Employer, the Grievance shall proceed to the second step. In the event that a grievance concerns more than one officer, the party initiating the grievance shall first attempt to resolve the issue or dispute with the lowest ranking officer in the Department with authority over all of the aggrieved officers.

Section 4.4 – Second Step

In the event that a grievance is not resolved at the first step, it shall be presented to the Chief. If the Chief does not provide a response which is acceptable to the party initiating the grievance within ten (10) days of the presentation of the grievance to the Chief, the Lodge may request that the grievance proceed to binding arbitration.

Section 4.5 – Arbitration

If the Lodge requests that a grievance be submitted to binding arbitration, the Lodge and the Employer shall attempt to agree upon an arbitrator of their choosing. If the Lodge and the Employer are unable to agree upon the selection of an arbitrator within seven (7) days of the request for binding arbitration, the parties shall request a list of five (5) qualified neutrals from the American Arbitration Association. The parties shall alternatively strike names from said list until only one person remains thereon. The party filing the grievance shall strike the first name. The person so remaining shall arbitrate the dispute according to procedures agreed upon by the Association and the Employer, and where none of the foregoing procedures apply according to the rules of the American Arbitration Association. The Arbitrator shall decide the dispute presented according to this or her interpretation of the meaning or application of the terms of this Agreement to the facts of the grievance presented; and he or she shall issue a written decision and award within forty-five (45) days of the close of the hearing unless the Lodge and the Employer agree to a difference date. The party who does not prevail shall pay the cost of the arbitration.

Section 4.6 – Time Limits

The time limits set forth in this Article may be extended for reasonable periods only if an aggrieved Officer is unavailable to participate in the grievance process and such participation would materially assist in settlement. Unless mutually agreed upon, no time limit be extended to more than twice that designated by this Agreement.

Section 4.7 – Interpretation of Agreement

In interpreting and applying this Agreement, the Association, the Employer, and the Arbitrator shall consider the terms of this Agreement in light of past practice of the parties over the duration of their collective bargaining relationship.

Section 5.1 – Holidays and Vacations

Each officer shall receive an annual number of vacation days according to the following schedule:

Length of Service completed:	Number of Vacation Days:
2 years	25 days
5 years	30 days
10 years	35 days
15 years	40 days
20 years	45 days
25 years	48 days

It is agreed that nine (9) of the days specified in each line of the foregoing schedules(s) represent paid legal holidays. It is understood that probationary officers shall receive nine (9) paid holidays, one (1) day for each month of service and five (5) personal days in the prior fiscal year during the probationary period. (Example; Office A is hired on July 1, 1998 and his probationary year will end in 1999, that officer will be entitled to receive as a vacation pick in 1999, nine (9) holidays plus six (6) days, one for each month of service in the year 1998. It is agreed that each officer will receive these vacation days in the year the anniversary is reached, and will be allowed to pick such vacation, at the time the vacation schedule for that year is posted.)

Vacation days that are not used by the last day of the fiscal year in which they were earned will be forfeited and the officer will not be paid for the unused days.

In the event that the foregoing vacation schedule causes the Village to incur overtime pay due to a shift manpower shortage, the post 1993 employees' vacation schedule section of this Agreement shall be renegotiated. Pre-1993 employees will remain on the above vacation schedule.

Section 5.2 – Personal Days

In addition to the holiday and vacation days specified in the foregoing sections of this Article, each officer shall receive an annual number of personal days off per annum to be taken when the officer chooses provided that the officer submits a prior written request for each personal taken according to the following schedule:

Length of completed service:	Personal Days:
Probationary year	5 days
1 year	6 days
2 years	7 days
3 years	8 days
4 years	9 days
Thereafter	10 days

In addition to all of the foregoing days off, each officer shall receive his/her birthday off as an additional day off.

Section 5.3 – Sick Leave

(a) Sick Leave Accumulation - On January 1st of each year of this Agreement, each officer shall be credited six (6) sick days. Sick days can be taken only to the extent that they are accrued. Sick days will not accrue while an employee is on leave pursuant to the Family and Medical Leave Act ("FMLA"), the Public Employee Disability Act ("PEDA"), Military Leave, Extended Leave, or Long-Term Leave, but will resume upon the officer's return to work on a regular basis. Accrued sick days may be carried over into subsequent year. No more than thirty (30) sick days may be accumulated at any time. Unused sick days will be forfeited, and the bargaining member shall not receive any compensation in any form for forfeited sick days. If at retirement an officer has accumulated thirty (30) sick days, the officer shall be awarded fifteen (15) additional days for a total of forty-five days.

(b) Public Employee Disability Act – A Officer who is placed on sick leave as a result of an injury or illness contracted in the line of duty shall be entitled to full pay for one (1) year pursuant to the terms of the Public Employee Disability Act ("PEDA"), 5 ILCS 345/1 *et seq.*

(c) Extended Leave – An officer who is placed on sick leave as a result of a injury or illness not contracted in the line of duty, except that resulting from an injury or illness incurred in the course of employment outside of the Officer's employment with the Village, may be entitled to leave with full pay for a maximum of **ninety (90) days (three calendar months)** ("Extended Leave"), subject to approval by the Chief of Police, but only after the officer has exhausted all accumulated sick leave, subject to approval by the Chief of Police, but only after the officer has exhausted all accumulated sick leave. After an officer has been on Extended Leave for **ninety (90) days (three calendar months)**, the Village may offer him a light duty work assignment, if available.

(d) Long-Term Leave – In the event that a Officer exhausts his **three-month** leave pursuant to Subsection 5.3(c) above, the Officer may apply for long-term leave, not to exceed six (6) calendar months ("Long-Term Leave"). A Review Board composed of (1) representative from the Police Department, who shall be designated by the Lodge, one (1) representative of the Village who shall be designated by the Village, and one (1) representative of the Fire Department, who shall be designate by the Fire Department ("Review Board"), shall have jurisdiction over applications for Long-Term Leave and shall render a decision whether to grant or deny the application pursuant to any policies and/or procedures adopted by the Review Board with respect to Long-Term Leave applications, provided that the Review Board shall not inquire into any particular case until the officer has been on sick leave for at least **three (3) calendar months**.

(e) Sick Leave Department Order - The use and accumulation of sick days shall be exclusively determined by the Chief of Police in the form of a written Order applicable to all officers governed by this Contract. The Order shall remain in effect until revoked, modified or amended by a subsequent written order of the Chief of Police. Sick days are accumulated at six (6) days per year. Thirty (30) days is the maximum sick days an officer may accumulate

Personal days that are not used by the last day of the fiscal year in which they were earned will be forfeited and the officer will not be paid for the unused days

ARTICLE 6 – HOURS AND OVERTIME

Section 6.1 – Work Day and Work Period

The normal workday shall consist of eight (8) hours, or if assigned to a 5/2-5/3 work schedule, eight and one half (8.5) hours. The work period shall consist of twenty-eight (28) days. All time worked in excess of the hours worked in the normal workday or the normal work period shall be considered overtime.

All time, outside of an officer's regularly assigned schedule, during which an officer is required to appear in court in connection with his or her duties as a police officer shall be considered court time.

Any officer entitled to overtime or court time shall have the choice, at the officer's discretion, to receive pay or compensatory time.

Section 6.2 – Special Compensation

All court time and overtime shall be compensated at the rate of one and one half (1 1/2) times the rate of pay specified in Article 7 of this Agreement. A minimum of two hours shall be credited as court time for each occasion on which an officer is required to appear in court outside of his or her regularly assigned schedule.

Section 6.3 – Compensatory Time

Court time and overtime may, at each officer's discretion, be taken as compensatory time off at the rate of one and one-half (1 1/2) hours for each hour of court time or overtime worked. At no time shall an officer accumulate more than 480 hours of compensatory time. Beginning January 1988, an officer's shift commander shall assign the officer up to one day of compensatory time within a twenty-eight (28) work period in which the officer would otherwise be scheduled to work for more than 171 hours. Effective January 1, 1988, the Employer shall return to the prior scheduling practice under which officers change their shifts on Thursdays.

Section 6.4 – Patrol Division Hours Work Schedule

(a) Effective January 7, 2018, the normal workday for officers assigned to the Patrol Division will consist of an eight and one-half (8.5) consecutive shift.

(b) While the eight and one-half (8.5) hour day is in effect the work schedule rotation for each officer assigned to the Patrol Division will be five (5) working days on, followed by two (2) days off, then five (5) working days on, followed by three (3) days off.

(c) Normal shift hours – The normal shift hours will be as follows:

Midnight shift: 12:00 a.m. until 8:30 a.m.

Day shift: 8:00 a.m. until 4:30 p.m.

Afternoon shift: 4:00 p.m. until 12:30 a.m.

(d) Hourly rate – The parties recognize that with the 8.5 hour, 5/2-5/3 work schedule, employees on average will work less than 2080 hours per year. The parties agree that while the schedule is in effect, employees will not be required to payback hours to reach 2080 annual hours.

Section 6.5 – Shift Scheduling

Patrol Officers shall be assigned their shifts through bidding by seniority on a yearly basis by November 30th of each calendar year. Officers shall be required to submit to the chief of police or his designee their list of shift preferences by listing a First Choice, Second Choice, and Third Choice. If an officer fails to submit such preference list by the deadline, the officer's shift preferences shall be designated by the Chief of Police or his designee. The top nine selections of patrol officers on each shift and the supervisors (Lieutenant/Sergeant) shall be determined by seniority as defined in article 3 of this Agreement. The assignment of the remaining officers to each shift shall be made by the Chief of Police or his designee, without regard to seniority. For such other shift assignments, the Chief of Police or his designee shall consider those officers' preferences and seniority, but such preferences and seniority shall not be controlling. However, no officer shall be assigned to the same shift for more than two (2) consecutive years, if such shift was the officer's "Third Choice" in each of the two (2) prior consecutive years.

Patrol Officers shall be assigned their shifts through bidding by seniority on a yearly basis. The seniority list used to determine the shifts will be compiled by the Lodge and employer as seniority is defined in Article 3 of this Agreement.

ARTICLE 7 – WAGES, COMPENSATION AND BENEFITS

Section 7.1 – Patrolmen

- (a) Effective January 1, 2018, the basic salary schedule for officers covered by this Agreement shall be reflected in Appendix A, a copy of which is appended hereto and made apart hereof. The basic salary schedule shall be increased and officers covered by this Agreement whose salaries increased as follows: effective January 1, 2018, three (3%) percent; January 1, 2019, two (2%) percent; January 1, 2020, two (2%) percent and January 1, 2021, three (3%).
- (b) New Hires – During the term of this Agreement, the starting pay of new hires shall be forty-four thousand dollars (\$44,000.00) in 2018, forty-five thousand dollars (\$45,000.00) in 2019, forty-six thousand dollars (\$46,000.00) in 2020 and forty-seven thousand dollars (\$47,000.00) in 2021.

Section 7.2 – Senior Ranks

It is agreed that the per annum schedule for officers above the rank of patrolman (Sergeant and Lieutenant) shall be as reflected in Appendix A attached hereto and made a part hereof, which shall also reflect a salary increase as follows: effective January 1, 2018, three (3%) percent; January 1, 2019, two (2%) percent; January 1, 2020, two (2%) percent and January 1, 2021, three (3%) percent.

Section 7.3 – Detectives/Tactical Unit

During the stated term of this Agreement, any officer assigned or working as a detective/tactical unit shall receive a stipend of two thousand dollars (\$2,000.00) per annum in addition to the salary due according to the rank and length of service as set forth elsewhere in this Article. The stipend shall be paid separately and not added to the officer's base wages.

Section 7.4 – Insurance

- (a) Coverage for active officers hired prior to 2003 – The Employer shall provide and, as except as stated herein, pay the full cost of full major medical, hospitalization dental and optical insurance. The Employer shall negotiate with the Lodge over any changes in the insurance plans covering the police officers or in the insurance carriers providing such coverage. No changes in the existing insurance plans shall diminish the coverage provided on the effective date of this agreement, unless upon expiration of no less than two (2) years of this Agreement, the Employer demonstrates that it is financially unable to maintain insurance benefits at their current levels, or the cost of insurance exceeds by 10% or more over the prior year provided, however, that any decrease of insurance costs in prior years shall be credited by 10% of the decrease to offset the following year's increase.
 - i. All emergency room visits, which do not result in admission, shall require a co-pay of \$100.00 for each visit, said co-pay to be charged against the deductible.
 - ii. The applicable deductibles shall not exceed \$250.00 per person or \$500.00 per family.
 - iii. Prescription/drug costs shall be provided per the insurance.
- (b) Coverage for active officers hired after 2003: Officers including probationary officers hired after the effective date of this Agreement shall receive HMO insurance at the Employer's expense. A three percent (3%) of annual wages insurance contribution fee will be taken from all officers.
- (c) Continuing Coverage – If an active officer dies from any cause, his or her spouse and dependents, if any, shall remain covered under the insurance plans specified in subsection (a) of this section pursuant to the terms of, and to the extent required by, the Illinois Public Safety Employee Benefits Act ("PSEBA"), 820 ILCS 320/1 *et seq.*, unless and until the spouse remarries or receives insurance benefits as a result of other employment. If the spouse's new insurance benefits do not cover the officer's dependents, the dependents shall remain covered by the insurance plans specified in the subsection (a) of this section to the extent required by PSEBA.
- (d) Retiree Insurance: Officers who retire with twenty (20) years or more of service who are under the age of sixty-five (65) shall receive the same insurance benefits as active officers hired after 2003 as specified in Section 7.4(c) above, and shall, for each year enrolled in the Village's health insurance under this Section 7.4(d), contribute three percent (3%) of their annual wages as an insurance contribution

fee. The retired officer's "annual wages" for purposes of this Section 7.4(d) shall be calculated using their annual wage as of their date of retirement or the pension amount if the retiree is a pensioner. The retired officer must tender the three percent (3%) contribution to the Village on the date specified by the Village. If a timely payment(s) is not received by the Village, the retired officer may be dropped from the Village's insurance.

If a retired officer dies and his or her spouse is eligible, pursuant to the terms of the plan, to remain on the Village's insurance, then the spouse shall receive the same insurance benefits as active officers hired after 2003 as specified in Section 7.4(c) above. The spouse must tender to the Village, on the date specified above, the three percent (3%) retiree contribution calculated as set forth in this Section 7.4(d) (3% of the deceased retired officer's annual wages at the time of retirement). Failure by the spouse to make a timely payment(s) may result in the spouse being dropped from the Village's insurance.

During any period(s) when the retiree or spouse of a deceased retiree receives insurance benefits as a result of other employment, the retiree or spouse of a deceased retiree shall not be eligible to participate in the Village's insurance plan.

Once the retired officer, the retired officer's spouse, and/or the spouse of a deceased retiree, becomes eligible for Medicare (currently age 65), he or she shall no longer be eligible to participate in the Village's insurance. In lieu of participating in the Village's insurance, he or she shall receive supplemental insurance selected by the Village and paid for by the Village.

The parties agree to reopen this Agreement this agreement upon thirty (30) days' written notice to the other party. Such reopener negotiations shall be limited to the subject of retiree health insurance for retirees age 65 or older, unless the parties agree in writing to add additional subjects. [Prior provisions regarding early retirees shall apply, but be subject to the remaining provisions of this Agreement.]

- (e) Life Insurance – All Police Officers shall receive life insurance in the face value of \$10,000 without cost to the Police Officer, in accordance with the terms and provisions of the policy and the insurance provider. Retirees will receive life insurance with the amount being determined by the insurance carrier.
- (d) Physical Examination – Once each year, every Police Officer shall be entitled to a physical examination by Village's appointed physician at no cost to the Officer.

Section 7.5 – Uniform Allowance

Any officer who is assigned or working as a detective/tactical shall, on the first of June of each year during which this Agreement is in effect, receive \$800.00 as a clothing and cleaning allowance. All uniform officers shall receive an \$800.00 voucher as clothing and cleaning allowance. All uniform officers shall receive an \$800.00 voucher as a clothing allowance at four (4) locations of the Village's choosing. There shall only be one (1) \$800.00 allowance provided hereunder.

Section 7.6 – Longevity Pay

- (a) After the completion of fifteen (15) years of employment (starting the 16th year), each officer covered by this Agreement shall receive longevity pay of an additional \$1,000.00 per year added to the officer's salary.
- (b) After completion of twenty (20) years of employment (starting the 21st year), each officer covered by this Agreement shall receive longevity pay of an additional \$1,500.00 per year added to the officer's salary.

Section 7.7 – Education Voucher Program

Officers shall receive payment in the amount of five hundred dollars (\$500.00) for each of the officer's children who reside within the Village of Melrose Park and attend a private (non-public) elementary (grades K-8) or secondary (grades 9-12) school for each year the child attends the private school and resides in the Village ("Education Voucher").

In order to receive the Education Voucher payment, the Officer must present the following documentation: (i) in the case of a biological child, a copy of the child's birth certificate listing the officer as a parent; or (ii) in the case of an adopted child, a copy of the child's amended birth certificate listing the officer as a parent; or (iii) in the case of legal guardianship, a certified copy of a court order appointing the officer as the child's legal guardian. The documentation must be submitted on or before September 1st of the school year for which the voucher is requested.

The Education Voucher shall be made as a separate payment and not added to the Officer's base wages.

Section 7.8 – Fitness Program

Employees on active payroll with the Village in a position covered by this Agreement shall receive a free membership I.D. card, so that the Employee may use the health and fitness center as well as use of the racquet ball court to improve his or her personal health.

Section 7.9 – Mandatory Retirement Age

Subject to the provisions of any Village Ordinance regarding mandatory retirement age for officers, officers who attain the age of sixty-two (62) shall be retired, on their 62nd birthday, from the Police Department, except that an officer who has not achieved thirty (30) pension creditable years of service may remain a member of the Police Department until the date the officer's thirty (30) pension creditable years of service has been obtained.

ARTICLE 8 – CREDIT UNION

Employees on active payroll with the Village in a position covered by this Agreement shall be part of the instrumentation of participation into a credit union that will be chosen by full agreement between the Lodge and the Village.

ARTICLE 9 – IMPASSE RESOLUTION

If an impasse should arise between the Association and the Employer during negotiations over the terms of a successor to this Agreement, the impasse resolution procedures specified in Section 14 of the Illinois Public Labor Relations Act shall apply.

ARTICLE 10 - DURATION

Section 10.1 – Term of Agreement

This Agreement shall be effective from January 1, 2018, and it shall remain in full force and effect until December 31, 2021. Thereafter, this Agreement shall continue in full force and effect from year to year unless either party serves, within (60) days to ninety (90) days prior to the expiration of this Agreement, written notice upon the other party that it desires modification of the terms of this Agreement.

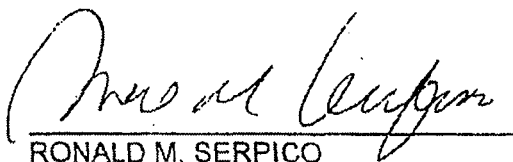
Section 10.2 – Savings Clause

This Agreement shall, where possible, be interpreted by the courts and administrative agencies so as to avoid a finding that any provision hereof is invalid, unenforceable, or unlawful. If any provision or provisions of this Agreement should be declared invalid, unenforceable, or unlawful by any court or administrative agency, the remaining provisions of this Agreement shall remain in full force and effect. In such event, the parties shall, at the request of the other party, promptly meet and bargaining with respect to such modifications of the terms of this Agreement as are necessitated by the invalidity, unenforceability, or unlawfulness of any provision or provisions so declared.

Each person executing this Agreement certifies that he or she is an agent authorized to enter into this Agreement by the Party that each represents. It shall be no defense that a person executing this Agreement was not a duly authorized agent of the Party on whose behalf they have signed this Agreement.

IN WITNESS WHEREOF, the duly authorized representative of the parties has hereunto affixed their signatures this ____ day of _____, 2017.

FOR THE EMPLOYER:


RONALD M. SERPICO

FOR THE LODGE:


SAM CHIAPPETTA
as Designee

APPENDIX A

MELROSE PARK POLICE DEPARTMENT
SALARY INCREASE 2014-2017

Increases	3%	2%	2%	3%
Rank	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
Starting Pay	\$44,000.00	\$45,000.00	\$46,000.00	\$47,000.00
1 Yr Complete	\$49,992.40	\$50,992.20	\$52,012.00	\$53,572.40
2 Yr Complete	\$59,670.90	\$60,864.30	\$62,081.60	\$63,944.00
3 Yr Complete	\$72,463.10	\$73,912.40	\$75,390.60	\$77,652.30
4 Yr Complete	\$80,221.90	\$81,826.30	\$83,462.80	\$85,966.70
5 Yr Complete	\$88,706.40	\$90,480.50	\$92,290.10	\$94,135.90
PM – 15 Yrs	\$90,630.90	\$92,443.50	\$94,292.40	\$97,121.20
PM – 20 Yrs	\$93,633.70	\$95,506.40	\$97,416.50	\$100,339.00
SGT	\$97,618.80	\$99,571.20	\$101,562.60	\$104,609.50
SGT – 15 Yrs	\$99,589.80	\$101,581.60	\$103,613.20	\$106,721.60
SGT – 20 Yrs	\$102,546.10	\$104,597.00	\$106,688.90	\$109,889.60
LT	\$106,531.30	\$108,661.90	\$110,835.10	\$114,160.20
LT – 15 Yrs	\$108,502.20	\$110,672.20	\$112,885.60	\$116,272.20
LT – 20 Yrs	\$111,458.60	\$113,685.80	\$115,959.50	\$119,438.30

Memorandum of Understanding

Between

McKinzie-Vertuno Memorial Fraternal Order of Police Lodge #19

and

Village of Melrose Park, Illinois

January 18, 2018

On Dec. 11th, 2017, a collective bargaining agreement ("CBA") was entered into between the the McKinzie-Vertuno Memorial Fraternal Order of Police Lodge #19 ("Lodge" or "Union") and the Village of Melrose Park ("Village") for the period January 1, 2018 through December 31, 2021.

The Union and Village desire to correct a scrivener's error(s) and/or to clarify certain language in the CBA; therefore, the parties enter into this Memorandum of Understanding ("MOU"). The language set forth below shall replace and supercede the language in the enumerated sections or appendices of the CBA. A copy of this MOU shall be attached to the CBA and become a part thereof.

Section 3.1 – Definition

Each officer's seniority shall be defined as his or her continuous length of active service as a full time police officer in the Village. "Active service" refers to time actually worked by the officer. Time that is not considered to be "active service" for purposes of seniority calculation includes, but is not limited to, time off work pursuant to Sections 5.3(c), (d) and (e) in this Agreement. In the event that more than one officer has an identical cumulative length of service, their seniority shall be determined by their respective lengths of continuous active service as a police officer in the Village or by the hiring eligibility list, whichever is greater (the Lodge and Employer will compile and update the list).

Section 6.4 Patrol Division Hours Work Schedule

(c) Normal shift hours – The normal shift hours will be as follows:

Midnight shift: 12:00 a.m. until 8:30 a.m.

Day shift: 8:00 a.m. until 4:30 p.m.

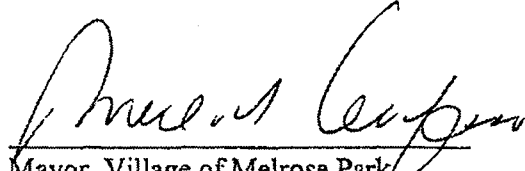
Afternoon shift: 4:00 p.m. until 12:30 a.m.

The Chief of Police or the Chief's designee shall have sole discretion and authority to adjust the work shift start and end times within one hour of the above-listed times.

APPENDIX A**MELROSE PARK POLICE DEPARTMENT
SALARY INCREASE 2018-2021**

Increases	3%	2%	2%	3%
Rank	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
Starting Pay	\$44,000.00	\$45,000.00	\$46,000.00	\$47,000.00
1 Yr Complete	\$49,992.40	\$50,992.20	\$52,012.00	\$53,572.40
2 Yr Complete	\$59,670.90	\$60,864.30	\$62,081.60	\$63,944.00
3 Yr Complete	\$72,463.10	\$73,912.40	\$75,390.60	\$77,652.30
4 Yr Complete	\$80,221.90	\$81,826.30	\$83,462.80	\$85,966.70
5 Yr Complete	\$88,706.40	\$90,480.50	\$92,290.10	\$95,058.80
PM - 15 Yrs	\$90,630.90	\$92,443.50	\$94,292.40	\$97,121.20
PM - 20 Yrs	\$93,633.70	\$95,506.40	\$97,416.50	\$100,339.00
SGT	\$97,618.80	\$99,571.20	\$101,562.60	\$104,609.50
SGT - 15 Yrs	\$99,589.80	\$101,581.60	\$103,613.20	\$106,721.60
SGT - 20 Yrs	\$102,546.10	\$104,597.00	\$106,688.90	\$109,889.60
LT	\$106,531.30	\$108,661.90	\$110,835.10	\$114,160.20
LT - 15 Yrs	\$108,502.20	\$110,672.20	\$112,885.60	\$116,272.20
LT - 20 Yrs	\$111,458.60	\$113,685.80	\$115,959.50	\$119,438.30

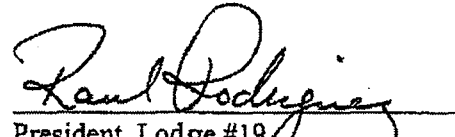
This Memorandum and Agreement is entered into this 18th day of January, 2018.



Mayor, Village of Melrose Park

2-26-2018

Date



President, Lodge #19

01-18-2018

Date

EXHIBIT 37

Melrose Park Police Department
SPECIAL ORDER:
OFF-DUTY SECONDARY EMPLOYMENT

Issuing Authority: Sam C. Pitassi, Chief of Police
Annual Review Date: October



PURPOSE

The Purpose of this policy is to set forth guidelines to govern off-duty or Secondary Employment by members of the Melrose Park Police Department (the "Department").

POLICY

The policy of the Department is to provide guidelines to police employees to inform them of the types of Secondary Employment which are appropriate and to establish procedures to maintain accountability for the welfare of the Department. These requirements are essential for the welfare of the Department and for the protection of the community.

DEFINITIONS

- A. **"Collective Bargaining Agreement"**: The current collective bargaining agreement between the Village of Melrose Park and organized labor union representing the various officers and employees of the Village of Melrose Park Police Department.
- B. **"Conflict of Interest"**: Any Secondary Employment duty that is illegal, inconsistent, incompatible with, or in opposition to, the duties, functions, and/or responsibilities of employment with the Department.
- C. **"Employment"**: The provision of a service, whether or not in exchange for a fee or other service, including self-employment. This includes any employment in which another may financially benefit from the employee's work, e.g. a family member or other person receiving compensation for the work of the employee. Employment does not include volunteer charity work.

Melrose Park Police Department
SPECIAL ORDER:
OFF-DUTY SECONDARY EMPLOYMENT

DEFINITIONS (continued)

- D. **"Extra-Duty Employment"**: Any employment that is conditioned on the actual or potential use of law enforcement powers by the off-duty employee.
- E. **"Officer"**: Is synonymous with any employee or member of the Department and includes":
 - 1) **"Full-Time Officer"**: Any sworn full-time member of the Department
 - 2) **"Part-Time Officer"**: Any sworn member of the Department who is not considered full-time by the Department.
 - 3) **"Auxiliary Officer"**: Any uniformed member of the Department, who is not an officer or part-time officer, who volunteers their time to the Department except for paid select secondary Employment.
 - 4) **"Regular Off-Duty Employment"**: Any employment that will not require use or potential use of law enforcement powers by the off-duty employee.
 - 5) **"Secondary Employment"**: Secondary Employment is any employment other than the employee's regular employment with the Department, including both Regular Off-Duty Employment and Extra-Duty Employment.

DISCUSSION

A. General Guidelines

The Department has a legitimate interest in regulating its Officer's Secondary Employment. While the Department will not unreasonably restrict off-duty employment, it will require responsibility and accountability to the Department of officers engaged in Secondary Employment.

B. Applicability of Policy

The Department recognizes that there are individuals working for the Department who have other primary jobs and only carry out part-time duties with the Department. Even though these individuals do not need to acquire approval for their primary employment, they may forfeit their positions with the Department, if their employment would not be approved under this policy. These individuals must inform the Chief of Police, in writing, of any employment, or change in employment responsibilities which could be contrary to any aspect of this policy.

Melrose Park Police Department
SPECIAL ORDER:
OFF-DUTY SECONDARY EMPLOYMENT

DISCUSSION (continued)

C. Mandatory Approval

Prior to commencing any Secondary Employment, including self-employment, employees must submit a written request and receive written approval for such employment. All approved requests are subject to periodic review and reconsideration for approval by the Chief of Police.

The employee's request for Regular Off-Duty Employment shall be on the prescribed Secondary Employment Application (Appendix A) and shall include the following information:

- 1) the Secondary Employer's name, address, phone number and type of business;
- 2) A complete narrative of the type of work and duties to be performed;
- 3) Maximum number of days and hours to be worked in any given week;
- 4) Name / phone number of the person who will be their immediate supervisor;
- 5) A complete list of any law enforcement-type equipment the Officer must use on the job (e.g., uniform, firearm, handcuffs, personal defense equipment, etc)
- 6) Secondary Employment Addendum form (Appendix B) will also be completed and accompany employee's Secondary Employment request form.
- 7) Secondary Employment Indemnity Agreement form (Appendix C) must be completed and accompany the employee's Secondary Employment request form.

Employees shall communicate, in writing, within Seven (7) days, of any such change in Secondary Employment status. Such change in status may include, but not limited to, any change in the following: job responsibilities, time or hours of work, days of work, location, employer name or majority interest in employer, any change of information on the Secondary Employment Application. Notwithstanding Any other provision of this agreement, the Chief, in his sole and absolute discretion may revoke or deny secondary employment privileges. Reference Policy 1042 attachment.

PROCEDURES

There are two types of Secondary Employment in which an Officer may engage:

- A) **Regular Off-Duty Employment:** Officers may engage in Regular Off-Duty Employment that meets the following criteria:
 - 1) Employment of a non-police nature in which the Officer's vested police powers, (e.g. arrest, detention, interrogation), are not a condition of the Regular Off-Duty Employment; the work provides no real or implied law enforcement service to the secondary employer; and is not performed during the Officer's assigned police duty hours. Officers may be employed as a security guard at locations outside the corporate limits of the Village of Melrose Park.

Melrose Park Police Department
SPECIAL ORDER:
OFF-DUTY SECONDARY EMPLOYMENT

PROCEDURES (continued)

Employment as a security guard at locations within the corporate limits of the Village of Melrose Park shall not be permitted unless pursuant to paragraph B., section entitled "Extra-Duty Employment", located here-in-below.

- 2) Employment that presents no potential Conflict of Interest between their duties as a Department Officer and their duties for the secondary employer. Examples of employment representing a Conflict of Interest include, but are Not limited to, the following:
 - a. As a process server, reposessor or bill collector, towing of vehicles within the corporate limits of the Village, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes, or imply an official law enforcement or government interest.
 - b. Dressed in an official uniform in the performance of tasks other than that of a police employee, except as otherwise authorized in writing by the Chief of Police or his designee.
 - c. Personnel or private investigations within the corporate limits of the Village or involving any Village employee including an Officer, or any employment which might require the Officer to have access to police information, files, records or services of the Village of Melrose Park Police Department as a condition of employment.
 - d. Assisting in the case preparation for the defense in any criminal court proceeding, provided, however, this shall not prevent an Officer who has his law license from the case preparation for the defense in any criminal court proceeding not involving the Department or within the corporate limits of the Village.
 - e. Providing security for any business or labor group involved in any strike, work stoppage or other job action.
 - 3) Employment that does not constitute a threat to the status or dignity of the Village or Police Department. Examples of such employment that do constitute an actual threat to the status or dignity of the municipality or the Department include the following:
 - a) An establishment, which as its principal business sells, distributes, rents, Displays or purchases pornographic books, magazines, sexual devices, or Videos or that otherwise provides entertainment / services of sexual nature;
 - b) Employment involving manufacture/sale/serving of alcoholic beverage.
- B. Extra-Duty Employment: Officers may engage in Extra-Duty Employment as follows:

Melrose Park Police Department
SPECIAL ORDER:
OFF-DUTY SECONDARY EMPLOYMENT

PROCEDURES (continued)

- 1) Where a government, profit making or not-for-profit entity has a contract agreement with the Department for Officers in uniform who are expected to exercise their official police duties.
 - 2) The Chief of Police or his designee is responsible for planning, staffing and coordinating all special duty events requiring Extra Duty Employment, provided such planning, staffing or coordinating does not conflict with the Collective Bargaining Agreement. All requests for these types of police services will be forwarded to the Chief of Police or his designee.
 - 3) Types of extra-duty services which may be considered for contracting include the following:
 - a. Traffic control and pedestrian safety.
 - b. Crowd control
 - c. Security and protection of life and property
 - d. Routine law enforcement for public authorities; and
- C. Limitations on Regular Off-Duty and Extra-Duty Employment**
1. In order to be eligible for Regular Off-Duty and Extra-Duty Employment, an Officer must be in good standing with the Department. Continued Department approval of a police officer's Regular Off-Duty Employment and Extra-Duty Employment is contingent on an employee continuing to be in good standing with the Department. Disputes concerning the reasonableness of the determination of an officer's good standing shall be subject to the grievance and arbitration procedure of the Collective Bargaining Agreement and Off-Duty Employment and Extra-Duty Employment shall not be restricted until a final determination on the employee's good standing is received.
 2. Officers who are on on-duty injury leave shall not be eligible to engage in any Secondary Employment.
 3. Officers who are on medical or other leave due to sickness, temporary disability or currently assigned to light-duty assignment shall not be eligible to engage in any Secondary Employment unless approved by the office of the Chief of Police. Such approval shall not be unreasonably denied.
 4. An Officer may work a maximum of twenty-four (24) hours of regular off-duty or Extra-Duty Employment per week. Employee's may exceed the twenty-four (24) hours per week only in direct relation to the amount of time in a regularly scheduled forty (40) hour week that an employee is off on authorized leave.
 5. Work hours for all Secondary Employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of regular duty.

Melrose Park Police Department
SPECIAL ORDER:
OFF-DUTY SECONDARY EMPLOYMENT

PROCEDURES (continued)

- C. Limitations on Regular Off-Duty and Extra-Duty Employment (continued)
6. An officer engaged in any Secondary Employment is subject to call out in cases of emergency and shall be expected to leave their off-duty or Extra-Duty Employment in such situations when required by the Department.
 7. Permission for an Officer to engage in outside employment may be revoked in any case where an employee fails to perform adequately while on duty as a direct result of such outside employment.
 8. No Officer shall solicit any person, business, or other entity for Secondary Employment while on duty or while acting in official capacity.
 9. Prior to obtaining regular off-duty or Extra-Duty Employment, an employee shall comply with all Departmental procedures for granting approval for such employment.
 10. Uniforms, Department-issued equipment, or Village equipment of any kind shall not be used while the employee is in the actual performance of Regular Off-Duty Employment.

LIABILITY

In working Regular Off-Duty Employment, the Officer fully understands and agrees to the terms and conditions contained herein. The officer understands that is their sole responsibility to arrange with the Regular Off-Duty Employer for the protection of liability and workers' compensation.

- 1) The Department shall not be responsible for workers' compensation expenses, losses, and/or costs incurred from injuries sustained by the officer in the course of working any Regular Off-Duty Employment.
- 2) The Department shall not be responsible for medical expenses, losses, and/or costs incurred from injuries sustained by the officer in the course of working any Regular Off-Duty Employment except as otherwise required by the parties Collective Bargaining Agreement and by State and Federal law.
- 3) The Department shall not be responsible for any retirement, pension, or other types of expenses, losses, and/or costs incurred from injuries sustained by the officer in the course of working any Regular Off-Duty Employment except as otherwise required by the parties Collective Bargaining Agreement and by State and Federal law.
- 4) The Department shall not be responsible for any third party liability incurred or created by an officer in the course of working any Regular Off-Duty Employment.

Melrose Park Police Department
SPECIAL ORDER:
OFF-DUTY SECONDARY EMPLOYMENT

LIABILITY (continued)

- 5) The Department shall not be responsible for any expenses, losses, and/or costs incurred for the defense of any criminal prosecution against the officer as a result of any Regular Off-Duty Employment.
- 6) PRIOR TO COMMENCING EMPLOYMENT, THE OFFICER SHALL PROVIDE TO THE CHIEF OF POLICE A COPY OF THE OFF-DUTY EMPLOYERS CERTIFICATE(S) OF GENERAL COMMERCIAL LIABILITY INSURANCE. SAID POLICY SHALL BE IN A MINIMUM AMOUNT OF ONE MILLION AND NO/100 U.S. DOLLARS (\$1,000,000.00). SAID POLICY SHALL: (A) NAME THE VILLAGE, ITS ELECTED OR APPOINTED OFFICIALS, ALL OFFICERS INCLUDING, BUT NOT LIMITED TO, THE PRESIDENT AND BOARD OF TRUSTEES, DIRECTORS, AGENTS, ATTORNEYS AND EMPLOYEES, ITS PRESENT AND FUTURE INDEPENDENT CONTRACTORS, AGENTS, AND AS ADDITIONAL INSURED; (B) SHALL PROVIDE THAT THE INSURANCE IS PRIMARY TO, AND NOT CONTRIBUTING WITH, ANY POLICY CARRIED BY THE VILLAGE; (C) SHALL PROVIDE BY ENDORSEMENT THAT NO COVERAGE MAY BE CANCELED, TERMINATED OR REDUCED BY THE INSURING COMPANY WITHOUT THE INSURING COMPANY HAVING FIRST GIVEN AT LEAST THIRTY (30) DAYS PRIOR WRITTEN NOTICE VIA CERTIFIED MAIL(S) TO THE CHIEF OF POLICE.
- 7) BY EXECUTING, THE OFFICER ACKNOWLEDGES THAT THE VILLAGE WILL PROVIDE NO PROTECTION OR INDEMNIFICATION FOR INJURIES (TO PERSON OR PROPERTY) OR WRONGFUL DEATH FOR OCCURRENCES OR OMISSIONS RELATED TO THE SECONDARY EMPLOYMENT.

EXHIBIT 38

Policy
340

Melrose Park Police Department
Policy Manual

Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Melrose Park Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

340.2 POLICY

The continued employment or appointment of every member of the Melrose Park Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

340.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

340.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

Melrose Park Police Department

Policy Manual

Conduct

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

340.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

340.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Illinois Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

340.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

340.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or Village manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

Melrose Park Police Department

Policy Manual

Conduct

340.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Melrose Park Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

340.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

340.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

Melrose Park Police Department

Policy Manual

Conduct

340.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without a reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without a reasonable excuse.

340.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
- (b) Disclosing active or protected investigation information to any unauthorized person.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police/Police Administrator or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Melrose Park Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

340.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failing to provide a visual deterrent to crime by lack of patrol activity, such as standing or parking a patrol vehicle for an inordinate length of time.
- (f) Concealing a marked patrol vehicle from public view without a reasonable and bonafide law enforcement purpose.
- (g) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

Melrose Park Police Department

Policy Manual

Conduct

340.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by Village policy, the collective bargaining agreement, or the Chief of Police/Police Administrator.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by Village policy, the collective bargaining agreement, or the Chief of Police/Police Administrator.
- (i) Any act on- or off-duty that brings discredit to this department.

340.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

Melrose Park Police Department

Policy Manual

Conduct

- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the Village.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or malicousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police/Police Administrator of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

340.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic crash.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

Melrose Park Police Department**Policy Manual****Conduct****340.5.11 INTOXICANTS**

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance or driving.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

EXHIBIT 39



Melrose Park Police Department
Policy Manual

Sick Leave Reporting

1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement (See *Appendix*). Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29CFR 825).

1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1014.2.1 NOTIFICATION

Employees are required to notify the C.S.O. Desk and thier Shift Commander or appropriate supervisor when he or she is on duty or as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than two hours before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

EXHIBIT 40

Gaffney

ADMINISTRATIVE NOTICE/WARNING TO OFFICER JOHN
SCATCHELL, JR.

RE: INVESTIGATION OF JANUARY 9, 2018

1. We received information that you may have been involved in a situation where a felon was in possession of and used a firearm. We are conducting an investigation into the allegations that were reported to us.

2. You are hereby advised that you are given immunity from criminal prosecution on the basis of your answers to the questions you are asked today. Stated another way, nothing you say in this investigation will be given to any Illinois or federal law enforcement agents or offices.

3. Additionally, nothing that you say during the interrogation today can or will be used against you in any criminal proceeding.

4. ~~This is not to say that the matter will or will not be referred to the appropriate law enforcement officials for investigation and/or prosecution in their discretion. Only that your statements will not be disclosed to them at any time or in any investigation or criminal proceeding.~~

5. Having been given immunity as set forth above, you are hereby warned that because of that immunity, you may not refuse to answer the questions on the ground that the answers may incriminate you. Accordingly, if you refuse to answer the questions, you will be subject to discipline up to and including your dismissal for insubordination for failing to comply with our directive that you answer our questions related to this investigation.

I acknowledge receiving the above notice and warning, and state that I fully understand what it says and means, and that I am not under any mental impairment or disability.

Dated: 1/9/18

1/23
John Scatchell, Jr.

Scatchell Dep Ex No. 1
for ID, as of 1/9/18

4822-0747-1450.v1-1/5/18

CHIEF'S EXHIBIT

EXHIBIT	<u>Chief's 1</u>
WIT:	
DATE:	<u>10-22-16</u>
Nick D. Brown, CJA	

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2368

EXHIBIT 41

Page 1

STATE OF ILLINOIS)

) SS:

COUNTY OF COOK)

IN RE THE MATTER OF:

THE INTERROGATION OF JOHN SCATCHELL,

Officer of the Melrose Park

Police Department.

THE INTERROGATION OF OFFICER

JOHN SCATCHELL, taken before CORDELIA BUSSE WERT,

a licensed Certified Shorthand Reporter of the

State of Illinois, License No. 84-2985, taken at

the Melrose Park Village Hall, 1000 North 25th

Avenue, Multi-Purpose Room, Melrose Park,

Illinois, on the 9th day of January, 2018, at

1:46 p.m.

Page 3

1 INDEX

2 JOHN SCATCHELL EXAMINATION

3 By Mr. Fowler 4

4

5 EXHIBITS

6 NUMBER MARKED FOR ID

7 Scatchell Exhibit

8 No. 1 4

9 No. 2 5

10 No. 3 11

11 No. 4 12

12 No. 5 13

13 No. 6 17

14 No. 7 19

15 No. 8 36

16 No. 9 49

17 No. 10 52

18 No. 11 63

19 No. 12 70

20 No. 13 78

21 No. 14 92

22 No. 15 94

23 No. 16 96

24 No. 17 114

Page 2

1 PRESENT:

2

3 LANER MUCHIN, LTD., By:

4 MR. JEFFREY S. FOWLER

5 515 North State Street, Suite 2800

6 Chicago, Illinois 60654

7 (312) 467-9800

8 jfowler@lanermuchin.com

9 Appeared on behalf of the Village of

10 Melrose Park;

11 FRATERNAL ORDER OF POLICE, By:

12 MR. CHRISTOPHER COOPER

13 Legal Defense Plan Attorney

14 LAW OFFICE OF CHRISTOPHER COOPER, INC.

15 79 West Monroe Street, Suite 1213

16 Chicago, Illinois 60603

17 (312) 473-2968

18 cooperlaw3234@gmail.com

19 ALSO PRESENT: Mr. Sam C. Pitassi, Director

20 Deputy Chief Steven Rogowski

21 Deputy Chief Michael Castellan

22 Mr. Raul Rodriguez, FOP Lodge 19

23

24

Page 4

1 MR. FOWLER: This is the interview of

2 John Scatchell being conducted pursuant to

3 notice and pursuant to the Police Officer

4 Disciplinary Act.

01:45:58 5 Mark this as Exhibit No. 1,

6 please.

7 (Scatchell Ex No. 1 was marked as of

8 1/9/18.)

9 BY MR. FOWLER:

01:46:22 10 Q. Officer Scatchell, prior to starting, I

11 had a conversation with your attorney. I had

12 tendered to him a document. He asked for a couple

13 of changes on it. I have just marked that

14 document as Exhibit 1 and tendered it to you.

01:46:36 15 Is that your signature on the lower

16 right side?

17 A. Yes, it is.

18 Q. Okay. You understand that you have

19 been instructed – that you are required to answer

01:46:46 20 the questions that we ask you today?

21 A. Yes.

22 Q. Okay. Largely I'm going to go through

23 a chronology of what's happened, but I wanted to

24 do a couple of things first.

1 (Pages 1 to 4)

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VMP/1115 001637

<p style="text-align: right;">Page 5</p> <p>1 (Scatchell Ex No. 2 was marked as of 2 1/9/18.) 3 BY MR. FOWLER: 4 Q. I show you what's been marked as 01:47:22 5 Exhibit 2. 6 Do you recognize this as a memo that 7 you received on or about December 8, 2017? 8 A. Yes, I do. 9 Q. When did you receive this? 01:47:34 10 A. December 8th, I believe. 11 Q. How did you receive it? 12 A. Via Department email and then an 13 officer served me at the door, at my front door. 14 Q. Who was the officer? 01:47:46 15 A. Officer Nocita, Investigator Nocita. 16 Q. Now, when you received the letter, did 17 you read it? 18 A. Yes. 19 Q. Okay. 01:47:52 20 A. I had already read it prior to him. 21 Q. You had read it by email -- 22 A. Correct. 23 Q. -- when you received it by email? 24 A. Correct.</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. There's one document here that I'm not 2 familiar with and I think it may be pertinent. So 3 give me just a second. 4 What I would like to do is to take out 01:50:44 5 these two pages of what you've brought and mark it 6 so that we'll all have a copy of it (indicating). 7 MR. COOPER: Let me see. 8 MR. FOWLER: (Tendering documents.) 9 MR. COOPER: Well, my intuition tells 01:51:12 10 me that that's not the best approach at this 11 time. 12 If you want his medical records -- 13 MR. FOWLER: Are you willing for him to 14 sign a release so that we can get all of his 01:51:26 15 medical records? 16 MR. COOPER: At some point in time but 17 not today. I mean, you took the words right 18 out of my mouth. 19 MR. FOWLER: But at some point in 01:51:36 20 time -- 21 MR. COOPER: You can't do it today. 22 But if you want to ask him questions as to 23 this document, first of all, it's my position 24 he can't answer the question because he's not</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. Then you understood that -- and you 2 understand by this memo that you also have been 3 ordered to answer the questions that I ask you, 4 right? 01:48:08 5 A. Correct. 6 Q. And you're required to answer them 7 truthfully and as accurately as you can? 8 A. Correct. 9 Q. The letter asks you to bring documents 01:48:18 10 with you responsive to these issues. 11 Did you bring any documents with you? 12 A. Yes. 13 Q. What documents did you bring? 14 A. Pertinent SOPs, copies of this that you 01:48:32 15 guys sent me, and then various doctor notes 16 (indicating). 17 MR. FOWLER: Chris, do you mind if I 18 come around to see them instead of handing 19 them to me? 01:48:42 20 MR. COOPER: Well, if you understand 21 what these are, we can hand them to you. 22 BY MR. FOWLER: 23 Q. Let me see what they are. 24 A. (Tendering folder.)</p>	<p style="text-align: right;">Page 8</p> <p>1 a physician. 2 MR. FOWLER: Well, he'll be able to 3 answer whatever he can. If he can't answer, 4 then he'll tell me that. 01:52:10 5 MR. COOPER: I think it's proper for 6 you to ask questions based on the document, I 7 don't see a problem, but I don't think it's 8 proper for these documents to go into 9 evidence. I would object to the document 01:52:30 10 being entered into evidence. 11 MR. FOWLER: Well, it's not -- well, 12 recognize that this is an investigative 13 proceeding. It's not going into evidence. 14 Are you willing to give me the 01:52:38 15 document? That's really what I was looking 16 for. 17 MR. COOPER: No. I'm willing to allow 18 you to ask questions from the document today. 19 Now, whether we call it evidence or material 01:52:50 20 for the purpose of an interrogation, no, I 21 will not allow this document to become part 22 of the record of today's proceedings. 23 However, I will hand you the document and 24 you're welcome to ask questions.</p>

2 (Pages 5 to 8)

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VMP/JJS 001638

Page 9

1 MR. FOWLER: Okay.

2 BY MR. FOWLER:

3 Q. So, Officer Scatchell, do you

4 understand that the letter that I've handed you

01:53:14 5 marked as Exhibit 2, the second page, the third

6 paragraph, says: You're ordered to bring and

7 present any relevant evidence, documents, photos,

8 materials or recordings with you to this meeting

9 so that such information, if appropriate and

01:53:28 10 relevant, can be considered as part of the

11 investigation, including, but not limited to, your

12 medical records relating to your medical leave

13 since November 9, 2017, and your recreational

14 activities during the period that you've been on

01:53:42 15 leave since November 9, 2017, and your

16 participation or involvement in potential illegal

17 activities by a known felon on or about November

18 20, 2017, and your contact with any other law

19 enforcement agencies that may lead to criminal

01:53:58 20 prosecution on or about November 20, 2017; you

21 understood that in the letter?

22 A. Correct.

23 Q. And in light of that instruction, the

24 only documents that you brought are those that

Page 10

1 you've tendered to me today?

2 A. Correct.

3 Q. But you're not willing to provide me

4 with copies of or allow me to keep the documents

01:54:22 5 that you've tendered today?

6 MR. COOPER: I, as an attorney, advise

7 you that -- and he's here listening to me,

8 that it's my recommendation as his attorney

9 that he disallow you from copying any of the

01:54:38 10 documents in that packet today. And if you

11 want those documents, it's necessary that the

12 Village follow the proper procedure which

13 would be, one, to obtain a release, and he

14 will sign a release.

01:54:54 15 MR. FOWLER: Okay.

16 BY MR. FOWLER:

17 Q. So my question is: Since this is the

18 interview of you today --

19 A. Right.

01:55:02 20 Q. -- are you going to follow Mr. Cooper's

21 advice and not allow me to have these documents or

22 copies of these documents today?

23 A. Yes, I am. I'm following my attorney's

24 advice.

Page 11

1 MR. FOWLER: Mark this one, please.

2 (Scatchell Ex No. 3 was marked as of

3 1/9/18.)

4 BY MR. FOWLER:

01:55:26 5 Q. Showing you what's been marked as

6 Exhibit 3, did you receive this letter?

7 A. Yes, I did.

8 Q. When did you receive it?

9 A. On or about the 20th of December.

01:55:36 10 Q. How did you receive it?

11 A. Email and also served at the front

12 door.

13 Q. By whom?

14 A. Detective Gvist.

01:55:46 15 Q. And when you received it, you read it?

16 A. Yes.

17 Q. And you understood by this letter,

18 you're also instructed to answer the questions

19 that I ask you today truthfully and accurately?

01:55:56 20 A. Yes.

21 Q. Do you have any medical or

22 psychological condition that makes you incapable

23 of participating in this interview today?

24 A. Not to my knowledge.

Page 12

1 Q. Are there any physical limitations that

2 we need to accommodate for you today?

3 A. I'm comfortable.

4 Q. If at any time in the process you

01:56:18 5 determine that you are uncomfortable, will you let

6 me know that?

7 A. I will.

8 Q. When did you become employed by the

9 Village of Melrose Park Police Department?

01:56:32 10 A. 2012.

11 Q. When you became employed by the

12 Village, you became aware that the Village had

13 standard operating procedures?

14 A. Yes.

01:56:42 15 Q. How did you become aware of that?

16 A. They gave me a written copy of it which

17 I signed.

18 (Scatchell Ex No. 4 was marked as of

19 1/9/18.)

01:57:04 20 BY MR. FOWLER:

21 Q. Showing you what's been marked as

22 Exhibit 4, do you recognize that?

23 A. Yes, I do.

24 Q. What is it?

3 (Pages 9 to 12)

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VMB/LIS 001620

Page 13	Page 15
<p>1 A. It's a standard operating procedure</p> <p>2 form which I signed off on.</p> <p>3 Q. And that's your signature on the</p> <p>4 document?</p> <p>01:57:16 5 A. Yes, it is -- well, actually there's no</p> <p>6 signature, just my name.</p> <p>7 Q. Okay. You put your name there?</p> <p>8 A. Yes.</p> <p>9 Q. And you received this in or about</p> <p>01:57:24 10 September of 2012?</p> <p>11 A. Yes.</p> <p>12 (Scatchell Ex No. 5 was marked as of</p> <p>13 1/9/18.)</p> <p>14 BY MR. FOWLER:</p> <p>01:57:42 15 Q. Showing you what's been marked as</p> <p>16 Exhibit No. 5, what is that?</p> <p>17 A. A Melrose Park employee acknowledgement</p> <p>18 form.</p> <p>19 Q. Is that your name on the document?</p> <p>01:57:52 20 A. Yes, it is.</p> <p>21 Q. Is that your signature on the document?</p> <p>22 A. Yes, it is.</p> <p>23 Q. Did you sign this on or about August</p> <p>24 31, 2012?</p>	<p>1 felons?</p> <p>2 A. I'm not aware of that.</p> <p>3 Q. Okay. You're aware that you're</p> <p>4 required to be truthful during investigations?</p> <p>01:58:56 5 A. Yes.</p> <p>6 Q. Any reason to believe that any of the</p> <p>7 rules that I just mentioned that you said you were</p> <p>8 aware of do not apply to you?</p> <p>9 A. Well, you stated that it says felons,</p> <p>01:59:10 10 and the verbiage in the SOP says persons who</p> <p>11 exhibit a recurring pattern of violating state and</p> <p>12 federal laws. It does not say felons.</p> <p>13 Q. Okay. The question that I asked you,</p> <p>14 though, was: With respect to the policies that</p> <p>01:59:22 15 you said you were aware of --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- do you have any reason to believe</p> <p>18 that those policies do not apply to you?</p> <p>19 A. No, I don't.</p> <p>01:59:30 20 Q. You started in 2012, and at some</p> <p>21 point within a short time after that, you were</p> <p>22 injured at work?</p> <p>23 A. Yes.</p> <p>24 Q. What was that injury?</p>
Page 14	Page 16
<p>1 A. Yes.</p> <p>2 Q. And by signing this document, were you</p> <p>3 acknowledging that you had received a copy of the</p> <p>4 Melrose Park employee procedures?</p> <p>01:58:10 5 A. Yes.</p> <p>6 Q. You're aware that the Village of</p> <p>7 Melrose Park has procedures relating to reporting</p> <p>8 injuries when they occur?</p> <p>9 A. Yes.</p> <p>01:58:18 10 Q. And you're aware that Melrose Park has</p> <p>11 procedures relating to obtaining permission for</p> <p>12 secondary employment?</p> <p>13 A. Yes.</p> <p>14 Q. You're aware that there are procedures</p> <p>01:58:30 15 regarding restrictions during the use of sick</p> <p>16 time?</p> <p>17 A. Yes.</p> <p>18 Q. You're aware of procedures requiring</p> <p>19 you to report contact with law enforcement?</p> <p>01:58:40 20 A. Yes.</p> <p>21 Q. You're aware that there's ethics rules?</p> <p>22 A. Yes.</p> <p>23 Q. You're aware that there's rules</p> <p>24 restricting or prohibiting associating with</p>	<p>1 A. Well, which -- I'm not sure which</p> <p>2 injury you're --</p> <p>3 Q. The first injury you had.</p> <p>4 A. On the job?</p> <p>02:00:00 5 Q. Yes.</p> <p>6 A. That would have been, I believe,</p> <p>7 February of 2014.</p> <p>8 Q. Tell us about that injury.</p> <p>9 A. I got in a physical altercation with a</p> <p>02:00:12 10 subject who was mentally unstable at Gottlieb</p> <p>11 Hospital. He was told not to enter the building</p> <p>12 and he proceeded to try to enter the building</p> <p>13 after making physical and verbal threats to</p> <p>14 nurses. So myself and my partner performed a</p> <p>02:00:28 15 take-down of him.</p> <p>16 At that time I did not feel anything,</p> <p>17 but several hours later, my back and neck area</p> <p>18 were throbbing. Then I notified at the time</p> <p>19 Lieutenant Rogowski the follow day, I believe, and</p> <p>02:00:42 20 I told him the following day I couldn't move. I</p> <p>21 had severe restriction of my neck and severe pain.</p> <p>22 Then at that time I notified my superior officer</p> <p>23 which would have been Lieutenant Rogowski, not</p> <p>24 deputy chief.</p>

4 (Pages 13 to 16)

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VMP/JJS 001640

Page 17

1 Q. I think you said that that was February
2 of 2014?
3 A. Yes, I believe it was.
4 Q. Could it have been 2015?
02:01:02 5 A. It could have been, yes.
6 Q. Okay.
7 (Scatchell Ex No. 6 was marked as of
8 1/9/18.)
9 BY MR. FOWLER:
02:02:38 10 Q. I'm now handing you what's been marked
11 as Exhibit 6.
12 Do you recognize this form?
13 A. I recognize it from recent.
14 Q. Is this the employer's first report of
02:02:56 15 injury concerning the injury that you just talked
16 about?
17 A. Yes.
18 Q. This shows a date of report of 2/6 of
19 2015. Does your refresh your recollection as to
02:03:06 20 when that injury occurred?
21 A. That seems correct, yes.
22 Q. Okay. So rather than '14, it was '15?
23 A. Correct.
24 Q. Now, you were telling us that as a

Page 19

1 Q. Do you remember which doctor it was?
2 A. I saw Nurse Practitioner Paulette
3 Feiereisel. As per the HMO, you have to see a
4 nurse practitioner first. Then I saw Dr. Sandoval
02:04:14 5 who's my primary care physician.
6 (Scatchell Ex No. 7 was marked as of
7 1/9/18.)
8 BY MR. FOWLER:
9 Q. Showing you what's been marked as
02:04:50 10 Exhibit 7, this is a group exhibit with a bunch of
11 different pages, and I want to go through them one
12 at a time.
13 A. Okay.
14 Q. The first pages, that's -- there's a
02:05:00 15 note dated February 15th from Paulette Feiereisel,
16 NP. That's the nurse practitioner you just
17 referred to?
18 A. February 5th.
19 MR. COOPER: February 5th.
02:05:10 20 BY MR. FOWLER:
21 Q. Okay. That's the nurse practitioner
22 you just referred to?
23 A. Yes.
24 Q. You obtained this note and submitted it

Page 18

1 result of that incident, you were injured. How
2 were you injured?
3 A. I sustained injuries to my neck and
4 back region. I'm not entirely sure how I was
02:03:26 5 injured because I'm not a doctor, but I know that
6 at some point during the proceedings with the
7 subject that we encountered was when I sustained
8 an injury because I felt perfectly fine before and
9 then slightly thereafter is when I felt pain.
02:03:40 10 Then the following day, I had severe pain and loss
11 of motion.
12 Q. As a result of that injury, you
13 reported it to the Department, your supervisor?
14 A. Yes, I did.
02:03:48 15 Q. Who did you report it to?
16 A. Lieutenant Rogowski.
17 Q. And you then sought medical treatment?
18 A. Yes, I did.
19 Q. And the doctor put you off work for a
02:03:58 20 while?
21 A. Yes, she did.
22 Q. You then went back and saw the doctor
23 several different times?
24 A. Yes.

Page 20

1 to your supervisor?
2 A. Yes, I did.
3 Q. The next page that's marked 110 on the
4 bottom, can you tell me what that is, please?
02:05:28 5 A. This is a To/From from myself to Chief
6 Pitassi in short explaining the incident, not with
7 all details but with pertinent details.
8 Q. And is that your signature?
9 A. It is.
02:05:42 10 Q. The next page that's on the bottom
11 right marked 111, what is that?
12 A. Another note from Nurse Practitioner
13 Feiereisel.
14 Q. You obtained this on or about February
02:05:52 15 9, 2015?
16 A. Yes.
17 Q. You submitted it to your supervisor
18 around then?
19 A. Yes.
02:05:58 20 Q. The next page marked 112, can you tell
21 me what this one is?
22 A. Another note from Nurse Practitioner
23 Feiereisel.
24 Q. Dated February 12, 2015?

5 (Pages 17 to 20)

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VMP/ IIS 001644

Page 21	Page 23
<p>1 A. Yes.</p> <p>2 Q. And you obtained this on or about</p> <p>3 February 12th?</p> <p>4 A. Yes.</p> <p>02:06:14 5 Q. Submitted it to your supervisor on or</p> <p>6 about February 12th?</p> <p>7 A. Yes.</p> <p>8 Q. That was to Lieutenant Rogowski?</p> <p>9 A. Yes.</p> <p>02:06:20 10 Q. The next page, tell us what that is,</p> <p>11 please.</p> <p>12 A. Another note from Nurse Practitioner</p> <p>13 Feiereisel dated February 17th.</p> <p>14 Q. This is the page that's marked 113 on</p> <p>02:06:32 15 the bottom, right?</p> <p>16 A. Yes.</p> <p>17 Q. Dated February 17, 2015?</p> <p>18 A. Yes.</p> <p>19 Q. You obtained this on or about February</p> <p>02:06:38 20 17, 2015?</p> <p>21 A. Yes.</p> <p>22 Q. And when you obtained it, did you</p> <p>23 provide it to your supervisor?</p> <p>24 A. Yes.</p>	<p>1 on or about that date?</p> <p>2 A. Yes.</p> <p>3 Q. And that was to Lieutenant Rogowski?</p> <p>4 A. Yes.</p> <p>02:07:30 5 Q. The next page is marked 116 on the</p> <p>6 bottom. Can you tell me what that is?</p> <p>7 A. Another note from Nurse Practitioner</p> <p>8 Feiereisel.</p> <p>9 Q. And that's dated March 9, 2015?</p> <p>02:07:42 10 A. Yes.</p> <p>11 Q. You obtained it on or about March 9,</p> <p>12 2015?</p> <p>13 A. Yes.</p> <p>14 Q. When you obtained it, did you provide</p> <p>02:07:48 15 it to your supervisor?</p> <p>16 A. Yes.</p> <p>17 Q. That was to Lieutenant Rogowski?</p> <p>18 A. Yes.</p> <p>19 Q. The next page is marked 117 on the</p> <p>02:07:54 20 bottom.</p> <p>21 A. Okay.</p> <p>22 Q. And it shows a date of March 23, 2015,</p> <p>23 correct?</p> <p>24 A. Yes.</p>
Page 22	Page 24
<p>1 Q. And that was to Lieutenant Rogowski?</p> <p>2 A. Yes.</p> <p>3 Q. The next page dated February 20, 2015,</p> <p>4 marked 114 on the bottom, can you tell me what</p> <p>02:06:54 5 this is?</p> <p>6 A. Another note from Nurse Practitioner</p> <p>7 Feiereisel.</p> <p>8 Q. You obtained this on or about February</p> <p>9 20, 2015?</p> <p>02:07:02 10 A. Yes.</p> <p>11 Q. And when you obtained it, you provided</p> <p>12 it to your supervisor on or about that date?</p> <p>13 A. Yes.</p> <p>14 Q. The next page marked 115 on the bottom,</p> <p>02:07:12 15 can you tell us what this page is, please?</p> <p>16 A. Another note from Nurse Practitioner</p> <p>17 Feiereisel.</p> <p>18 Q. This is dated March 2nd of 2015,</p> <p>19 correct?</p> <p>02:07:20 20 A. Yes.</p> <p>21 Q. You obtained this on or about March 2,</p> <p>22 2015?</p> <p>23 A. Yes.</p> <p>24 Q. Did you provide it to your supervisor</p>	<p>1 Q. Did you obtain this on or about March</p> <p>2 23, 2015?</p> <p>3 A. Yes.</p> <p>4 Q. When you obtained it, did you provide</p> <p>02:08:06 5 it to your supervisor?</p> <p>6 A. Yes.</p> <p>7 Q. And that was to Lieutenant Rogowski?</p> <p>8 A. Yes.</p> <p>9 Q. The last page in this set is marked</p> <p>02:08:16 10 118. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. It's dated April 2, 2015?</p> <p>13 A. Yes.</p> <p>14 Q. Can you tell us what this page is?</p> <p>02:08:22 15 A. Another note from Nurse Practitioner</p> <p>16 Feiereisel.</p> <p>17 Q. And when you obtained this, you</p> <p>18 provided it to you supervisor?</p> <p>19 A. Yes.</p> <p>02:08:30 20 Q. To Lieutenant Rogowski?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. This note says: Starting April</p> <p>23 4th, John can return to work light duty for four</p> <p>24 hours a day for one week.</p>

6 (Pages 21 to 24)

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Page 25

1 The "John" refers to you, right?
 2 A. Yes.
 3 Q. Then six hours a day for one week and
 4 then eight hours a day for one week. He may
 02:08:46 5 return to full unrestricted duty April 24, 2015,
 6 right?
 7 A. Yes.
 8 Q. I read that correctly?
 9 A. Yes.
 02:08:52 10 Q. Did you return to full unrestricted
 11 duty on or about April 24, 2015?
 12 A. I believe I did.
 13 Q. The injury itself, you said that it was
 14 to your neck and back?
 02:09:02 15 A. Correct.
 16 Q. What part of your neck and back?
 17 A. I'm not a doctor, but it was to my
 18 upper back and lower neck.
 19 Q. What was your understanding of the
 02:09:10 20 nature of the injury?
 21 A. Can you quantify that?
 22 Q. What did the doctors tell you?
 23 A. They told me that I had a partially
 24 bulging disc in one of my discs, I'm not sure

Page 27

1 have an FOP, but yes.
 2 Q. Okay. So sergeant, lieutenant, deputy
 3 chief, and the director of police; is that the
 4 chain?
 02:10:50 5 A. Correct. At that time it would have
 6 been chief of police.
 7 Q. Okay. So who have been your sergeants
 8 since April of 2015?
 9 A. Let's see. I had Sergeant Rieger, he's
 02:11:08 10 now a lieutenant; Sergeant Schillinger, he's the
 11 most recent one. As far as sergeants, that's the
 12 extent of who I can remember.
 13 Q. Who have been your lieutenants since
 14 April of 2015?
 02:11:26 15 A. Rieger, Rogowski, Maiello, DiMaio.
 16 Q. How do you spell Maiello?
 17 A. M-A-I-E-L-L-O.
 18 Q. You said DiMaio?
 19 A. Yes.
 02:11:38 20 Q. How do spell that?
 21 A. D-E-M-A-I-O, I believe.
 22 Q. Okay. Anybody else?
 23 A. That's all I can recall.
 24 Q. Okay.

Page 26

1 which disc; I had spinal stenosis; and several
 2 other words that I don't know what they mean or
 3 what they are.
 4 Q. And that's what they told you at the
 02:09:32 5 time?
 6 A. Yes.
 7 Q. Did you see anyone other than the nurse
 8 practitioner in early 2015?
 9 A. I believe I did.
 02:09:38 10 Q. Who did you see?
 11 A. An MRI doctor, x-ray doctor,
 12 specialist. I'm not sure of names or any of that.
 13 That would be in my medical record.
 14 Q. After April 2, 2015, what was the next
 02:10:22 15 communication you had with anyone with the Melrose
 16 Park Police Department management?
 17 And let me be clear on this: You're a
 18 patrol officer, right?
 19 A. Yes.
 02:10:36 20 Q. You have a sergeant?
 21 A. Sergeant, lieutenant.
 22 Q. The sergeant is a member of the union,
 23 right?
 24 A. Yes -- well, we don't have a union. We

Page 28

1 A. I'm sorry. And Sergeant Lavalais for a
 2 brief period of time.
 3 Q. And the deputy chiefs have been who?
 4 A. Castellan and Rogowski.
 02:12:00 5 Q. And either chief or director of police?
 6 A. Pitassi.
 7 Q. You said you returned to work full
 8 unrestricted duty on or about April 24, 2015,
 9 right?
 02:12:20 10 A. Yes.
 11 Q. Starting on April 25th of 2015, tell me
 12 every conversation or communication you've had
 13 with Sergeant Rieger relating to your neck or
 14 back.
 02:12:36 15 A. I don't recall ever having any
 16 conversation with any supervisor after I furnished
 17 that note.
 18 Q. Ever?
 19 A. Maybe in unrelated talk, like not in a
 02:12:48 20 capacity of officer to supervisor, maybe in a
 21 friendly basis. But as far as anything official,
 22 the last document that I furnished would be this
 23 and that was the last official conversation I had
 24 with anybody.

7 (Pages 25 to 28)

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VMP/ IIS 001642

Page 29	Page 31
<p>1 Q. Okay. And then includes up 2 through 2017? 3 A. To my recollection right now, yes. 4 Q. So you're saying up through today, the 02:13:10 5 last conversation you had with any supervisor or 6 manager at the Department in any kind of formal 7 sense was April -- 8 A. Regarding that injury? 9 Q. Regarding your neck or back. 02:13:22 10 MR. COOPER: Which injury? 11 BY THE WITNESS: 12 A. You're rolling all the injuries into 13 one. 14 BY MR. FOWLER: 02:13:26 15 Q. Okay. That's what I'm trying to figure 16 out. 17 A. Okay. 18 Q. The neck or back injury that you had in 19 February of 2015 -- 02:13:34 20 A. Uh-huh. 21 Q. -- that's what we've been talking 22 about, right? 23 A. Yes. 24 Q. So --</p>	<p>1 A. I wouldn't say that's fair. I -- 2 MR. COOPER: Wait. 3 BY MR. FOWLER: 4 Q. What is the next occasion then that you 02:14:56 5 had any communications with a supervisor at the 6 Department about your neck or back injury? 7 A. Around, I would say -- well, let me 8 see. Can I take a look at this? 9 Q. Sure. 02:15:12 10 MR. COOPER: Let the record reflect my 11 client is looking at his notes that he 12 brought with him, or documents. 13 BY THE WITNESS: 14 A. I believe the last conversation I had 02:15:30 15 regarding any kind -- or the first conversation I 16 had, I should say, regarding any kind of new 17 injury or recurring injury from the past would 18 have been in the range of late October/early 19 November while I was still on vacation, approved 02:15:46 20 vacation. 21 BY MR. FOWLER: 22 Q. Of 2017? 23 A. Yes. 24 Q. How did that conversation take place?</p>
Page 30	Page 32
<p>1 A. Relating to that, the last official 2 conversation I had was when I furnished this note 3 to I believe then Lieutenant Rogowski. 4 Q. Okay. So I want to focus a minute on 02:13:50 5 your use of the term "official conversation." 6 A. Okay. 7 Q. Other than official conversations, as 8 you sit here today, do you recall any unofficial 9 conversations with any manager or supervisor about 02:14:00 10 the injuries that's noted in Exhibit G? 11 A. I don't recall ever discussing it with 12 anybody, it could have occurred, but at this time, 13 I don't recall. 14 Q. Fair enough. 02:14:14 15 After April 24, 2015, were you ever 16 injured again on the job? 17 A. On the job? Well, my belief is that 18 the current injury stems from this injury. But as 19 far as something that was reported during my 02:14:36 20 eight-hour shift, no. 21 Q. Since April 24, 2015, you have not 22 reported any injury that was work related to your 23 managers or supervisors at the Police Department; 24 is that fair?</p>	<p>1 A. I spoke with Lieutenant Maiello on the 2 phone and notified him that I was experiencing 3 severe discomfort in my neck, severe pain, very 4 similar to what I went through in 2015. 02:16:06 5 Q. Anybody else on the line? 6 A. Nobody else was on the line. There was 7 someone else present, but I don't think that's 8 relevant. 9 Q. You said the conversation took place on 02:16:16 10 the phone. Who called who? 11 A. I called Lieutenant Maiello to notify 12 him. 13 Q. Do you remember what date that was? 14 A. I do not. 02:16:24 15 Q. During that conversation, you said that 16 somebody else was present in the same location you 17 were? 18 A. Yes. 19 Q. Who was that person? 02:16:30 20 A. Officer Menolascino. 21 Q. How do you spell the name? 22 A. M-E-N-O-L-A-S-C-I-N-O. 23 Q. Where were you when the conversation 24 took place?</p>

8 (Pages 29 to 32)

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312-419-9292

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 001644

Page 33

1 A. Driver's seat of my car, my truck.
 2 Q. So you were on your cell phone?
 3 A. No. I was on Bluetooth, over the
 4 speaker.
 02:16:48 5 Q. Using your cell phone?
 6 A. Yes, hands-free.
 7 Q. So if you were Bluetooth on the
 8 speaker, then Officer Menolascino heard not only
 9 your part of the conversation, but he could also
 02:17:04 10 hear what Lieutenant Maiello was saying as well,
 11 right?
 12 A. Yes.
 13 Q. Okay. So you recall -- you said that
 14 that conversation took place late October/early
 02:17:12 15 November?
 16 A. Somewhere in there. I'm not sure of
 17 the exact date.
 18 Q. What was it that caused you to make
 19 that phone call?
 02:17:18 20 A. I wanted to notify Lieutenant Maiello
 21 that I was experiencing an injury and I'm going to
 22 followup with a doctor, and the capacity that
 23 Officer Menolascino was involved was we were
 24 together and he also wanted to speak to Lieutenant

Page 34

1 Maiello about something unrelated. So he was
 2 present for the conversation and I was fine with
 3 him hearing our conversation.
 4 Q. During that conversation, tell me --
 02:17:48 5 and you're saying that whatever Officer
 6 Menolascino was talking about is unrelated to you?
 7 A. Correct.
 8 Q. Okay. So I don't want to hear about
 9 that part. What I want to hear about is you.
 02:17:56 10 A. Uh-huh.
 11 Q. With respect to you, tell me everything
 12 that you said and everything that Lieutenant
 13 Maiello said in that conversation.
 14 A. Well, some time has elapsed. We can
 02:18:06 15 agree on that. So I wouldn't be able to tell you
 16 exactly what was said.
 17 I can paraphrase which was basically:
 18 Hey, Lou, how are you? I just wanted to let you
 19 know that I'm experiencing -- what I told him
 02:18:18 20 which was I have severe discomfort in my neck,
 21 severe pain, and I'm going to followup with a
 22 doctor.
 23 Q. Did you say anything else?
 24 A. He said: Okay. And he says: Just

Page 35

1 when you hear something -- or something along
 2 those lines -- just followup with me, good luck
 3 with the doctor, something along those lines.
 4 Q. Anything else?
 02:18:38 5 A. Not that I can recall at this time.
 6 Q. As of the time of that conversation,
 7 how long had you been on vacation?
 8 A. Maybe a week and a half, two weeks.
 9 I'm not entirely sure.
 02:18:52 10 Q. During that week and a half or
 11 immediately prior to you feeling that -- let me
 12 ask it differently.
 13 When you felt the pain, how long was it
 14 before you called Lieutenant Maiello?
 02:19:02 15 A. Two, three days, maybe.
 16 Q. In the period of time before when that
 17 pain started, was there any physical activity that
 18 you engaged in that you attribute as a basis to
 19 the injury?
 02:19:16 20 A. No.
 21 Q. When was it that you first noticed
 22 feeling the pain?
 23 A. I was actually working a side job at
 24 Cinemark with another lieutenant who was off-duty

Page 36

1 at the time, Lieutenant Urso, and I had mentioned
 2 to him that I feel some discomfort in my neck. I
 3 don't know why. I mean, I haven't done anything.
 4 I just mentioned that to him in casual
 02:19:44 5 conversation, very similar to the injury in 2015:
 6 Discomfort, sleep, wake up the next day, severe
 7 pain, severe discomfort.
 8 Q. Okay. Then how long was it before you
 9 went to see a doctor?
 02:20:00 10 A. Almost immediately after talking with
 11 Lieutenant Maiello. I'm not sure of the exact
 12 date that that was, but the earliest available
 13 date I was able to get an appointment, I took.
 14 I believe as soon as I hung up with Lieutenant
 02:20:14 15 Maiello, I contacted my physician to make an
 16 appointment.
 17 (Scatchell Ex No. 8 was marked as of
 18 1/9/18.)
 19 BY MR. FOWLER:
 02:20:50 20 Q. All right. Showing you what's been
 21 marked as Exhibit 8, this is -- well, you tell me
 22 what this is.
 23 A. A doctor's note from my primary care
 24 physician, Sandoval, she's a doctor.

9 (Pages 33 to 36)

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VMP/LIS 001645

Page 37

1 Q. You received this -- well, you did
2 receive this letter, right?
3 A. Yes.
4 Q. You received it on or about November 9,
02:21:12 5 2017?
6 A. Yes.
7 Q. When you received it, what did you do
8 with it?
9 A. I gave it to my immediate supervisor
02:21:18 10 which -- I believe Lieutenant Maiello was on
11 vacation, so I most likely gave it to Sergeant
12 Schillinger, but I'm not positive.
13 Q. Do you believe as you sit here today
14 that this is the first note that you received
02:21:32 15 after feeling pain in your neck in or about
16 October/November of 2017?
17 A. Yes.
18 Q. So you think that the onset of the pain
19 came sometime/days before November 9, 2017?
02:21:46 20 A. Yes.
21 Q. Then does that suggest to you that your
22 conversation with Lieutenant Maiello that you
23 referred to a few minutes ago was early November
24 of 2017?

Page 39

1 timeframe is.
2 After that, the pain was still
3 persisting. The numbness was still persisting.
4 So at that point, she made arrangements for me to
02:23:08 5 go do a -- I'm not sure of the name of the test.
6 Basically they test the nerves in your arms, your
7 spine, your neck. So I did that. And then after
8 that, I did an MRI.
9 Q. When did you do the -- the test that
02:23:22 10 you're referring to is -- have you ever heard that
11 called as a nerve conduction test?
12 A. No.
13 Q. Okay. The nerve test that you're
14 referring to, when was that?
02:23:34 15 A. Maybe -- I'm not positive. It might
16 have been early December or late November. I'm
17 not -- I think -- I believe it was early
18 November -- I'm sorry, early December.
19 Q. So November 9th, your doctor says
02:23:48 20 contact her in a couple of days and see how you're
21 feeling, correct?
22 A. Correct. And I was in constant contact
23 with her.
24 Q. So a couple of days go by, you contact

Page 38

1 A. Yes.
2 Q. Okay. So early November of 2017, you
3 have a conversation with Lieutenant Maiello by
4 phone?
02:22:08 5 A. Yes.
6 Q. You went to see a doctor?
7 A. Yes.
8 Q. You got the note that's marked
9 Exhibit 8?
02:22:12 10 A. Yes.
11 Q. What's the next thing that happened
12 relating to your medical condition or your back?
13 A. Let me look at my note.
14 So I believe after this note, my doctor
02:22:26 15 wanted to play it cautious because I already had
16 undergone x-rays and MRI imaging in 2015. So she
17 didn't want to expose me right away to radiation
18 if she thought that it was something that may be
19 able to be resolved through medication.
02:22:40 20 So she put me on an aggressive steroid
21 and I'm not sure what other pills and told me to
22 followup with her in a couple days and see how I
23 felt. That kind of went on for maybe a week or so
24 or maybe more than that. I'm not sure what the

Page 40

1 her. How did you contact her?
2 A. Via phone or it might have been through
3 MyChart but most likely through phone.
4 Q. Okay. Whatever that contact method
02:24:06 5 was, you said you're still hurting?
6 A. Correct.
7 Q. What's the next thing that happened
8 after that?
9 A. She said: Let's continue with the
02:24:14 10 pills and see if it resolves on its own, and she
11 told me to just try to rest and take the pills.
12 Q. Okay. Now, her note says: Has been
13 advised to continue to rest at home, on Exhibit 8.
14 Do you see that?
02:24:32 15 A. Yes, I see that.
16 Q. And that's what she told you?
17 A. She told me to get rest. She didn't
18 say to continue to rest at home. She didn't say
19 those exact words. She said just try to rest it.
02:24:40 20 Q. When you received Exhibit 8, did you
21 read it?
22 A. I did.
23 Q. And then you gave it to your
24 supervisor, right?

10 (Pages 37 to 40)

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VMP/JJS 001646

Page 41

1 A. Yes.
 2 Q. And you gave it to your supervisor on
 3 or about November 9th?
 4 A. Yes.
 02:24:56 5 Q. So we're moving forward a couple of
 6 dates. She said she wants you to continue that
 7 treatment?
 8 A. Uh-huh.
 9 Q. What's the next thing that happened
 02:25:06 10 related to your neck or back?
 11 A. I continued to relay information to her
 12 that nothing was improving at all and that I
 13 didn't like taking the pills because all that made
 14 me do was sleep, all I did was get drowsy and go
 02:25:20 15 to sleep, and it really did nothing to numb the
 16 pain or nothing like that. It just put me to
 17 sleep.
 18 So I told her I'd like to figure out
 19 how we can move forward and resolve this injury in
 02:25:32 20 the most time-efficient way possible.
 21 And being that I'm on an HMO, she made
 22 the recommendation then for me to go for this -- I
 23 believe she referred to it as an EMG test. She
 24 made the recommendation, and it took some time for

Page 43

1 that conversation?
 2 A. Which conversation are you --
 3 Q. The first one that you had with either
 4 one of them.
 02:26:52 5 A. With Lieutenant Maiello, the one where
 6 I explained I was with Menolascino at the time?
 7 Q. Okay. Let's go back in the chronology.
 8 A. Okay.
 9 Q. You had the phone conversation with
 02:27:02 10 Lieutenant Maiello before you went to see a
 11 doctor, correct?
 12 A. Correct.
 13 Q. You went to see the doctor?
 14 A. Yes.
 02:27:08 15 Q. You got the November 9th note?
 16 A. Yes.
 17 Q. You gave that to your supervisor?
 18 A. Yes.
 19 Q. You said about a week later, you talked
 02:27:14 20 to one of your supervisors?
 21 A. Yes.
 22 Q. Which one?
 23 A. I'm not positive. I believe it might
 24 have been Schillinger, but it could have been

Page 42

1 the HMO to approve it. Then once they did, I went
 2 for that test.
 3 Q. After November 9th of 2017 when you
 4 gave Exhibit 8 to your supervisor, what's the next
 02:26:02 5 contact you had with any manager or supervisor at
 6 the Police Department?
 7 A. Probably a week later, I checked in
 8 with either Lieutenant Maiello or Sergeant
 9 Schillinger weekly.
 02:26:14 10 Q. Why weekly?
 11 A. That was just something I felt was
 12 honorable on my part and just to keep them in the
 13 loop.
 14 Q. You're aware that the SOP requires you
 02:26:24 15 to contact the Department every three days?
 16 A. I'm not aware of that.
 17 Q. Did you check?
 18 A. Did I check?
 19 Q. What the rules were about how often you
 02:26:34 20 were supposed to report when you're on sick leave?
 21 A. No.
 22 Q. So the first conversation that you had
 23 after November 9th with either Maiello or
 24 Schillinger, as you sit here today, do you recall

Page 44

1 either of them. Like I said, I was in contact
 2 with them weekly and I don't know that they
 3 requested that kind of timeframe. They just --
 4 what was stated to me was when you hear something
 02:27:30 5 or something changes, keep us in the know. And
 6 even though nothing was changing, I was still
 7 keeping them in the know.
 8 Q. So that conversation would have been a
 9 week after November 9th, right?
 02:27:40 10 A. Roughly.
 11 Q. So somewhere around November 16th?
 12 A. Roughly.
 13 Q. Okay. During that conversation -- and
 14 I understand you said you don't recall exactly who
 02:27:50 15 you spoke to?
 16 A. Uh-huh.
 17 Q. But you said it was one of those two,
 18 correct?
 19 A. Yes.
 02:27:54 20 Q. During that conversation, what did you
 21 say to them and what did whoever it was say back
 22 to you?
 23 A. I just said that the doctor put me on
 24 steroids and they're trying to do this medically

11 (Pages 41 to 44)

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VMP/US 004647

<p style="text-align: right;">Page 45</p> <p>1 rather than go through any kind of imaging, and 2 they said: Okay. If anything changes, let us 3 know. 4 Q. What is the next communication you had 02:28:14 5 with any supervisor or manager at the Department 6 relating to your back or neck or your attendance? 7 A. It would have been somewhere around the 8 20-something, the early 20s of November. 9 Q. Okay. Do you remember who that 02:28:30 10 conversation was with? 11 A. I do not. 12 Q. How did that conversation take place? 13 A. Same as the last one. 14 Q. By phone? 02:28:36 15 A. Yes. 16 Q. You called them? 17 A. Yes. 18 Q. During that conversation, what did you 19 say and what did they say? 02:28:42 20 A. I said that my injury is still the same 21 and we're continuing to evaluate it medicinally as 22 opposed to imaging. 23 Q. During that conversation in the early 24 November 20s period that you referred to, was</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. You texted him a message. What was the 2 point of texting him? 3 MR. COOPER: Jeff, it would be great if 4 we could see that document. 02:30:12 5 MR. FOWLER: He's already seen it. 6 MR. COOPER: Well, we can see it again. 7 MR. FOWLER: It was part of his 8 personnel file. 9 MR. COOPER: It's a big file. 02:30:24 10 Go ahead and read it (indicating). 11 BY THE WITNESS: 12 A. Okay. I've seen this. 13 BY MR. FOWLER: 14 Q. So you sent him a text message on or 02:30:42 15 about November 19th, right? 16 A. I believe so, or around that date. 17 Q. What did that text message say? 18 A. I believe it says: Hey, can you give 19 me a call, or something like that. 02:30:50 20 Q. He called you? 21 A. Yes. 22 Q. Anybody else on the line? 23 A. No. 24 Q. During that conversation, what did you</p>
<p style="text-align: right;">Page 46</p> <p>1 anybody else on the line? 2 A. No. 3 Q. During the conversation on or about 4 November 16th, was anybody else on the line? 02:29:04 5 A. No. 6 Q. After this conversation that you had in 7 the early November 20s timeframe that you referred 8 to, what's the next conversation you had with any 9 manager or supervisor at the Department? 02:29:16 10 A. Would have been late November/early 11 December, extrapolate a week from whatever 12 supposed date and there you are. 13 Q. Did you have a conversation with 14 Sergeant Schillinger on or about November 27, 02:29:34 15 2017, about taking some vacation days? 16 A. Not about vacation days. 17 Q. Did you text Sergeant Schillinger on or 18 about November 19, 2017? 19 A. Yes, I believe so. 02:29:52 20 Q. Do you still have that text? 21 A. I may. I may not. I'm not positive. 22 Q. Okay. I'm going to instruct you do not 23 delete that if you do have it. Understood? 24 A. Okay.</p>	<p style="text-align: right;">Page 48</p> <p>1 say and what did he say? 2 A. I followed up with him based on a 3 conversation I've had with him repeated times over 4 the year and Lieutenant Maiello where I stated 02:31:06 5 that I would like to have time-due days for a 6 certain date range which I believe is outlined in 7 that letter and I had verbal consent from them 8 that that would be okay when the time came to put 9 in for those days which is seven to ten days 02:31:22 10 before that period starts. 11 So throughout the year, we had 12 conversations about that, and I believe November 13 19th would have been roughly or around that date 14 range when the next period schedule would come out 02:31:36 15 and I'm allowed to put in for my compensatory 16 time. 17 Q. What I'm asking is: In that phone 18 conversation with Sergeant Schillinger on or about 19 November 19th, what did you say and what did he 02:31:44 20 say? 21 A. I said: Hey, Sarge -- paraphrasing, of 22 course, because I don't remember exact words. I 23 said something to the effect of: Hey, Sarge, just 24 following up with you about those days I asked you</p>

12 (Pages 45 to 48)

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VMP/LIS 001648

Page 49

1 for. Would that be okay to put in for those when
2 the schedule comes out?
3 And he says: Yes. When we hang up,
4 text me exactly the days that you want and I'll
02:32:06 5 check the manpower. If it's good, then we'll --
6 I'll write you the slip and we'll get it to Deputy
7 Chief Castellán.
8 Q. Who approves time-due days?
9 A. Well, there's a process to shift
02:32:20 10 approval and then ultimately approved by Deputy
11 Chief Castellán. But as far as the shift goes,
12 you can't just put in for whatever days and then
13 that automatically gets forwarded to Deputy Chief
14 Castellán. That has to be vetted by either the
02:32:34 15 sergeant or lieutenant, whoever is around that day
16 or around that period, and they'll look at the
17 manpower and say: Well, we either can or can't
18 approve this day because we have this many guys or
19 because we don't or do.
02:32:46 20 Q. The ultimate approval goes up to the
21 deputy chief?
22 A. Correct.
23 (Scatchell Ex No. 9 was marked as of
24 1/9/18.)

Page 51

1 A. Correct. This more or less would be
2 mid November, the 19th. So --
3 Q. The conversation that you're referring
4 to late November/early December, who was that
02:34:10 5 with?
6 A. Again, either Sergeant Schillinger or
7 Lieutenant Maiello.
8 Q. How did the conversation take place?
9 A. I believe at that time I would have
02:34:22 10 informed them that I was going for that EMG test
11 which I explained.
12 Q. Okay. How did the conversation take
13 place; in person, over the phone?
14 A. Over the phone.
02:34:30 15 Q. Who called who?
16 A. I would have called them.
17 Q. Anybody else on the line?
18 A. No.
19 Q. During that conversation, what did you
02:34:36 20 say and what did they say?
21 A. Again, I explained to them that I
22 believe at that time was when I was going for the
23 EMG test or I was scheduled to go for the EMG
24 test, and I explained to them the process from

Page 50

1 BY MR. FOWLER:
2 Q. Showing you what's been marked as
3 Exhibit 9, this is the document we've just been
4 talking about?
02:33:10 5 A. Yes.
6 Q. And you received this document on or
7 about -- or you received it before today?
8 A. Before today, yes.
9 Q. When you received it, you reviewed it?
02:33:20 10 A. Briefly, yes.
11 Q. Is there anything in this document that
12 strikes you as being untrue?
13 A. To my conversation with Sergeant
14 Schillinger, nothing appears to be untrue.
02:33:44 15 Q. All right. So after November 19th
16 then, what was the next communication that you had
17 with anyone from the Department concerning your
18 neck, back, or time off?
19 A. After November 19th?
02:33:56 20 Q. Yes.
21 A. I believe I told you earlier it was
22 late November or early December.
23 Q. So there was another conversation late
24 November/early December, right?

Page 52

1 there. I believe the phrasing that he used was:
2 We don't really need to know exactly what your
3 medical condition is. I mean, if anything changes
4 or your condition changes, let us know.
02:35:02 5 Q. What's the next communication you had
6 with anybody from the Police Department about your
7 medical condition or time off?
8 A. After the MRI which would have been
9 shortly -- maybe two or three days after the EMG
02:35:16 10 test because they didn't like the results of that
11 test, they sent me for an MRI and I contacted --
12 which would only have been a couple of days. So
13 it wouldn't have been a week.
14 I contacted one of my supervisors, not
02:35:28 15 sure which, via the phone to let them know I'm
16 going for an MRI.
17 (Scatchell Ex No. 10 was marked as
18 of 1/9/18.)
19 BY MR. FOWLER:
02:35:48 20 Q. Showing you what's been marked as
21 Exhibit 10, do you recognize this as the letter
22 you received on or about November 27, 2017?
23 A. Yes.
24 Q. When you received this letter, did you

13 (Pages 49 to 52)

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VMP/LIS 001649

Page 53

1 turn it over to your supervisor?
 2 A. Yes.
 3 Q. When you received it, you read it?
 4 A. Yes.
 02:36:04 5 Q. What happened to cause this letter to
 6 be issued?
 7 A. Well, through the grapevine which
 8 obviously is not official and I don't remember who
 9 it came from, but I heard that my letter -- my
 02:36:26 10 first letter which would have been the November
 11 9th letter, Exhibit 8, was interpreted by Deputy
 12 Chief Castellán to mean that I was not to leave my
 13 house, ever, which I told my doctor that and she
 14 goes: That is not my intention with that note.
 02:36:42 15 And she outlined what's in this note so that I may
 16 go about my everyday normal life (indicating).
 17 Q. When did you have that conversation
 18 with your doctor?
 19 A. On or about the 27th, or maybe a day
 02:36:56 20 before that.
 21 Q. When was it that you heard the rumor
 22 from this person that you don't remember?
 23 A. It would have been shortly before that.
 24 Q. What exactly was it that you heard?

Page 55

1 having had an opportunity to talk to your
 2 attorney, is there something that you'd like to
 3 tell us?
 4 A. No.
 02:45:16 5 Q. I'll get back to that in a second. I'm
 6 going to backtrack a little bit.
 7 Earlier you told us about the medical
 8 treatment you received between February and April
 9 of 2015. Do you remember that?
 02:45:30 10 A. Yes.
 11 Q. And that was as a result of a
 12 work-related injury that you reported to your
 13 supervisors, right?
 14 A. Yes.
 02:45:34 15 Q. Okay. And that medical care was taken
 16 care of pursuant to Workmen's Comp, wasn't it?
 17 A. No.
 18 Q. That was part of your HMO?
 19 A. Correct. I did not choose to use
 02:45:46 20 Workmen's Comp.
 21 Q. Why not?
 22 A. Didn't feel it was necessary. It was
 23 suggested by other people to use Workmen's Comp
 24 and sue or do whatever to get personal gains out

Page 54

1 MR. COOPER: Well, this isn't a
 2 deposition. Because at this point you're
 3 sort of going into some attorney-client
 4 stuff, some of which could be --
 02:37:22 5 MR. FOWLER: So let me be clear. I
 6 appreciate that.
 7 MR. COOPER: We can waive some stuff,
 8 but I need to go in the hallway with him.
 9 MR. FOWLER: Okay. But let me ask the
 02:37:30 10 question first.
 11 BY MR. FOWLER:
 12 Q. You said you don't remember who you
 13 heard it from?
 14 A. Correct.
 02:37:34 15 Q. Was it an attorney?
 16 MR. COOPER: Well, slow down. Stop,
 17 stop, stop. Give us a minute.
 18 (WHEREUPON, a recess was had.)
 19 MR. COOPER: It's a little bit of
 02:45:00 20 attorney-client privileged information that
 21 I'm willing to give you, but let's see where
 22 this goes.
 23 BY MR. FOWLER:
 24 Q. Okay. So let's do it this way: After

Page 56

1 of it, and I says absolutely not. My only concern
 2 is getting better, and that's what I did.
 3 Q. So then you continued to use your HMO
 4 in November of 2017?
 02:46:08 5 A. Yes.
 6 Q. Did you communicate to your HMO that
 7 you thought the injury was as a result of --
 8 strike that.
 9 Did you tell the doctor or the nurse
 02:46:30 10 practitioner, whoever, in November of 2017 that
 11 you thought that the nature of the injury stemmed
 12 from February of 2015?
 13 A. Yes, I told her I believe it's related
 14 to my last injury.
 02:46:46 15 Q. All right. So who did you tell that
 16 to?
 17 A. My primary care physician, Sandoval.
 18 Q. Now, we were talking about this
 19 grapevine that you referred to.
 02:47:00 20 A. Yes.
 21 Q. And you said that sometime before
 22 November 27, 2017, you heard through the grapevine
 23 that they had a different -- that Deputy Chief
 24 Castellán had different perceptions of your

14 (Pages 53 to 56)

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VMP/JJS 001650

Page 57

1 restrictions than you did?
 2 A. Correct.
 3 Q. And that caused you to go back to your
 4 doctor, right?
 02:47:18 5 A. Correct. And I asked her could you
 6 more -- or, I'm sorry, could you clarify in
 7 more -- in a little bit more detail as to what my
 8 restrictions are.
 9 Q. So I'm going to do this two ways:
 02:47:30 10 First, I want to talk about the conversation with
 11 the doctor.
 12 A. Okay.
 13 Q. That was Dr. Sandoval?
 14 A. Correct.
 02:47:38 15 Q. At her office?
 16 A. To my recollection, yes.
 17 Q. Anybody else present in the room?
 18 A. No.
 19 Q. That conversation took place on or
 02:47:46 20 about November 27th?
 21 A. Roughly, yeah.
 22 Q. During that conversation, what did you
 23 say and what did she say?
 24 A. I told her that there's some word going

Page 59

1 Exhibit 10?
 2 A. Yes.
 3 Q. During that conversation, did you tell
 4 Dr. Sandoval that you were going hunting?
 02:49:04 5 A. It may have came up. I'm not sure.
 6 I asked her if I was allowed to do
 7 light exercises, and she said: Yes. She said:
 8 You can go about doing your everyday life. They
 9 can't restrict you from doing your everyday life
 02:49:18 10 as long as you're not doing anything that I would
 11 deem to cause you further injury or further
 12 aggravation to the injury.
 13 Q. Did you give her any details about what
 14 your everyday physical activities were?
 02:49:30 15 A. Yeah. I told her that I walk around a
 16 lot and that really was my only form of exercise
 17 since this injury started which, for the record,
 18 started -- the injury started somewhere in late
 19 October, as I stated earlier. At that time I
 02:49:48 20 weighed 186 pounds. Okay? Today -- or at my most
 21 recent medical examination, I think was
 22 228 pounds, and my scale today says 236 pounds.
 23 So I'm roughly 50 pounds heavier just
 24 during the course of this injury because I haven't

Page 58

1 around that your note was interpreted -- the first
 2 note, the November 9th note, was interpreted to
 3 mean that I'm essentially bedridden or forbidden
 4 to leave my house because it said: Rest at home,
 02:48:08 5 and that was, what I was told, interrupted as
 6 stay home.
 7 Q. Did you tell her anything else?
 8 A. I may have. I do not recall at this
 9 time.
 02:48:18 10 Q. How did Dr. Sandoval respond?
 11 A. She said: That is 110 percent not my
 12 intention with that letter.
 13 Q. What else did she say?
 14 A. She said that she would write another
 02:48:32 15 note and clarify what she meant, and then the rest
 16 of our conversation was typical doctor-patient
 17 stuff.
 18 Q. What do you mean by that?
 19 A. Well, she was talking to me about what
 02:48:44 20 the next procedure is with my medical condition,
 21 and from there on, nothing pertained to the Police
 22 Department.
 23 Q. And then you said that she gave you the
 24 note. That's the one that we talked about,

Page 60

1 been able to do any kind of exercise like I would
 2 normally do, like my usual repetitions and going
 3 to the gym and stuff like that, and I would never
 4 go to the gym at this point out of fear of action
 02:50:26 5 by my administration.
 6 Q. Did you tell Dr. Sandoval anything else
 7 about what your daily physical activities were?
 8 A. I told her I like to walk around. I
 9 like to do light exercise. She didn't ask me to
 02:50:38 10 elaborate and I didn't.
 11 Q. Anything else?
 12 A. No.
 13 Q. What is the next communication that you
 14 had with any supervisor or manager at the Police
 02:50:50 15 Department relating to your neck, back, or
 16 attendance at work?
 17 A. Following November 27th?
 18 Q. Yes.
 19 A. I believe I stated earlier which would
 02:51:02 20 have been when I was going for the EMG test, early
 21 December.
 22 Q. And who was that conversation with?
 23 A. Again, either Lieutenant Maiello or
 24 Sergeant Schillinger.

15 (Pages 57 to 60)

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VMD/115 001654

Page 61	Page 63
<p>1 Q. The grapevine that you referred to, who 2 told you about that grapevine comment? 3 A. I don't recall. 4 Q. How many people told you about the 02:51:20 5 grapevine comment? 6 A. Multiple people. 7 Q. "Multiple people" meaning people from 8 the Department? 9 A. Yes. 02:51:28 10 Q. Other officers? 11 A. To my recollection, yes. 12 Q. Any supervisor or manager? 13 A. I don't recall if it was a supervisor 14 or manager. Again, I don't recall exactly who it 02:51:36 15 was. Because over the course of the last six 16 weeks, I've had multiple conversations with 17 multiple people about multiple different things. 18 Q. So you've told us about a conversation 19 with either Lieutenant Maiello or Sergeant 02:51:48 20 Schillinger about the EMG test? 21 A. Yes. 22 Q. What is the next communication that you 23 had with anyone from the Department about your 24 physical condition or your attendance?</p>	<p>1 received a memo from Deputy Chief Castellan, 2 didn't you? 3 A. Which memo are you referring to? 4 (Scatchell Ex No. 11 was marked as 02:52:48 5 of 1/9/18.) 6 BY MR. FOWLER: 7 Q. Showing you what's been marked as 8 Exhibit 11, do you recognize this as a memo you 9 received on or about December 4, 2017? 02:53:16 10 A. I did not receive this on or about 11 December 4th. 12 Q. Had you received it before today? 13 A. Yes, I have. It would have been more 14 like December 20th maybe, something to that 02:53:24 15 effect. It was never presented to me by anybody 16 until Sergeant Schillinger came to my house as a 17 followup. 18 I told him: Hey, come by and we'll 19 talk. 02:53:36 20 Then he said: This was left, a sealed 21 envelope that was left in the supervisor's desk. 22 It was never furnished to me until that point. 23 Q. Okay. So let's go through the 24 chronology.</p>
Page 62	Page 64
<p>1 A. It would have been what I stated 2 earlier which was after the EMG test, I let them 3 know that I was going for an MRI which was a 4 couple of days later. 02:52:06 5 Q. Who did you talk to? 6 A. Sergeant Schillinger, Lieutenant 7 Maiello. 8 Q. How did that conversation take place? 9 A. By phone. 02:52:14 10 Q. You called them? 11 A. Yes. 12 Q. Anybody else on the line? 13 A. No. 14 Q. During that conversation, what did you 02:52:20 15 say and what did they say? 16 A. I let them know that my EMG test 17 results came back kind of iffy and I was going for 18 an MRI, and they stated to me: We don't need to 19 know exactly -- I don't know which one stated this 02:52:30 20 to me -- we don't need to know exactly what's 21 going on with your medical condition. Just let us 22 know if something changes or if you're returning 23 to work or light duty or anything like that. 24 Q. Now, during around this timeframe, you</p>	<p>1 You said that there was a conversation 2 about the MRI, and I'm guessing from what you're 3 saying that was around the second week or so of 4 December? 02:53:54 5 A. Probably more like around the 7th, 8th, 6 9th, something like that. I think I went the day 7 before or the day of my birthday which would have 8 been the 9th. I'm not positive but roughly. 9 Q. After that MRI conversation, what was 02:54:08 10 the next communication that you had with any 11 manager or supervisor at the Police Department? 12 A. It would have been a couple days to a 13 week later, and I was letting them know that now 14 they want me to go see a neurosurgeon, my doctor. 02:54:22 15 Q. You called? The conversation took 16 place by phone? 17 A. Yes. And I called, yes. 18 Q. Anybody else on the line? 19 A. No. 02:54:30 20 Q. And as you sit here today, do you know 21 who you were speaking to? 22 A. One of the two, either the lieutenant 23 or sergeant. 24 Q. Okay. During that conversation, what</p>

16 (Pages 61 to 64)

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VMP/LIS 001652

Page 65

1 did you say and what did they say?
 2 A. I said that the MRI results came back
 3 with -- like I said in the last one, they didn't
 4 want specifics. So it didn't come back in a
 02:54:48 5 favorable manner and they wanted to go to the next
 6 step which would be a neurosurgeon because my
 7 doctor felt that at this point the injury was
 8 something that's not her expertise and she needs
 9 to send it to somebody else.
 02:55:04 10 Q. After that conversation, what's the
 11 next time you had any communication with any
 12 manager or supervisor at the Police Department
 13 concerning your physical condition or your
 14 attendance?
 02:55:14 15 A. Like I said, I don't recall specifics,
 16 but I would guess it would be around a week later,
 17 another phone call just to let them know: Hey,
 18 I'm still waiting to go for this neurosurgeon
 19 test, because the HMO took two weeks to respond to
 02:55:30 20 my doctor's referral and then ultimately denied
 21 it.
 22 Q. That conversation, do I have the
 23 chronology right, it would be somewhere around
 24 December 15th, something like that?

Page 67

1 Maiello formerly, we'll both talk to him on the
 2 phone. So it could have been from his phone. It
 3 could be from anyone's phone. So I'm not
 4 positive.
 02:56:36 5 Q. So after this one that you talked
 6 to your supervisor about the neuro test being
 7 denied, what's the next communication that you had
 8 with any manager?
 9 A. That wasn't about the neuro testing.
 02:56:50 10 That was to let them know I was waiting for
 11 approval for the neuro.
 12 Q. Okay. After the conversation where you
 13 said you were waiting for approval, what's the
 14 next communication you had with a manager or
 02:56:58 15 supervisor about your medical condition or your
 16 attendance?
 17 A. Same thing, my guess would be about a
 18 week later to let them know --
 19 Q. So just before Christmas?
 02:57:08 20 A. Yeah, I would say that's reasonable,
 21 somewhere like the 22nd, 23rd.
 22 Q. Okay. Who did you talk to?
 23 A. I believe that one to be Sergeant
 24 Schillinger because Lieutenant Maiello was on

Page 66

1 A. Something like that, yes.
 2 Q. And that conversation, you're not sure
 3 which of the two it was?
 4 A. Correct.
 02:55:48 5 Q. And anybody else on the line?
 6 A. No.
 7 Q. That conversation also took place by
 8 telephone?
 9 A. Yes.
 02:55:52 10 Q. Anything else in that conversation that
 11 you recall?
 12 A. No, just letting them know that I was
 13 waiting. And I believe my doctor's note says the
 14 same thing from somewhere around that time, that I
 02:56:02 15 was -- that my appointment was pending.
 16 Q. Your communications with your
 17 supervisors, you mentioned by them by phone. Was
 18 it always from your cell phone?
 19 A. I believe so. I'm not positive. Like
 02:56:14 20 I said, there's times when I'm with Officer
 21 Menolascino or whoever else and -- I mean, we
 22 don't -- there's no reason that anything needs to
 23 be secretive. So if I'm with him and he's got to
 24 call Nunz and I got to call Nunz, Lieutenant

Page 68

1 vacation.
 2 Q. Also by phone?
 3 A. Yes.
 4 Q. Now, you said that somewhere around
 02:57:26 5 December 20th somebody brought a letter to you?
 6 A. Sergeant Schillinger, yes.
 7 Q. Was this in the conversation that
 8 you're talking about December 22nd or was there
 9 something in between?
 02:57:36 10 A. Well, there was that and I'm not sure
 11 of the chronology of it, but shortly thereafter,
 12 maybe a day or two later, we spoke on the phone
 13 again after he was at my house.
 14 Q. Okay. So he came to your house first?
 02:57:48 15 A. Correct.
 16 Q. Anybody else present?
 17 A. No.
 18 Q. He came to your house somewhere around
 19 December 20th?
 02:57:54 20 A. Somewhere around there, yeah.
 21 Q. During that conversation, what did you
 22 say and what did he say?
 23 A. Basically just let him know my status
 24 which -- to be honest, now we're getting muddled

17 (Pages 65 to 68)

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VMB/LIS 001652

Page 69	Page 71
<p>1 in chronology, but he then gave me the note and 2 wished me luck with all this stuff because at that 3 point now the entire town apparently knew about 4 it.</p> <p>02:58:16 5 Q. The note you're referring to is the 6 note marked Exhibit 11?</p> <p>7 A. Yes, marked 123 on the bottom.</p> <p>8 Q. Then you said --</p> <p>9 A. That was the first time I saw that</p> <p>02:58:28 10 note.</p> <p>11 Q. Okay. Then you said a couple days 12 later, you had a telephone conversation with 13 Sergeant Schillinger?</p> <p>14 A. Yes.</p> <p>02:58:34 15 Q. You called him?</p> <p>16 A. Yes.</p> <p>17 Q. Anybody else on the line?</p> <p>18 A. No.</p> <p>19 Q. During that conversation, what did you</p> <p>02:58:40 20 say and what did he say?</p> <p>21 A. Let him know that the neuro got denied 22 by my HMO, and the reason for their denial is we 23 don't have a neurosurgeon in the network that I 24 chose when I was hired. So being that it's an</p>	<p>1 believe. Let me --</p> <p>2 MR. COOPER: This is probably a good 3 time for me to chime in.</p> <p>4 This letter came about on my</p> <p>03:00:02 5 recommendation to my client to get clarity 6 from his physician based on conversations 7 that you and I had; for the record, 8 Mr. Fowler, the conversations had between 9 myself and you, Mr. Fowler, as to my client's 10 fitness to travel.</p> <p>11 BY MR. FOWLER:</p> <p>12 Q. You received this letter on or about 13 the 15th?</p> <p>14 A. Yes.</p> <p>03:00:26 15 Q. You gave it to your supervisor on or 16 about that day?</p> <p>17 A. I believe I did, yes. I'm not 18 positive, but I believe I did.</p> <p>19 Q. I understand what your attorney said, 03:00:36 20 but we're here talking about what you know.</p> <p>21 A. Okay.</p> <p>22 Q. Did you have any communications with 23 any supervisor or manager at the Police Department 24 about this letter?</p>
Page 70	Page 72
<p>1 HMO, they wanted me to go see a spinal specialist 2 who is in our network and there's only two of 3 them.</p> <p>4 So I told him that, and then I said:</p> <p>02:59:02 5 Unfortunately being that there's only two, I 6 believe that the secretary said they're both out 7 of town, and the earliest date that I could get in 8 would be either January 9th which I did not take 9 because here we sit or January 10th which is</p> <p>02:59:14 10 tomorrow, and that's the appointment that I took.</p> <p>11 (Scatchell Ex No. 12 was marked as 12 of 1/9/18.)</p> <p>13 BY MR. FOWLER:</p> <p>14 Q. Showing you what's been marked as</p> <p>02:59:36 15 Exhibit 12, do you recognize this letter?</p> <p>16 A. Yes.</p> <p>17 Q. This letter is dated December 15, 2017?</p> <p>18 A. Yes.</p> <p>19 Q. You received it on or about December</p> <p>02:59:46 20 15th?</p> <p>21 A. Thereabouts, yes.</p> <p>22 Q. What did you do with it when you got 23 it?</p> <p>24 A. Turned it over to my supervisor, I</p>	<p>1 A. Can you rephrase?</p> <p>2 Q. Did you talk to any of your supervisors 3 about this?</p> <p>4 A. I believe I said that. Around the</p> <p>03:00:54 5 15th, I contacted them to let them know that my 6 appointment was pending, somewhere or thereabouts.</p> <p>7 Q. Okay. Anything else?</p> <p>8 A. Not to my recollection at this time.</p> <p>9 Q. And the appointment that was pending is</p> <p>03:01:10 10 the one that led to getting this letter, is that 11 what you're saying?</p> <p>12 MR. COOPER: I think that misstates the 13 witness' testimony.</p> <p>14 MR. FOWLER: That's what I'm trying to</p> <p>03:01:18 15 understand.</p> <p>16 MR. COOPER: Can you please reask the 17 question or reword it?</p> <p>18 BY THE WITNESS:</p> <p>19 A. Yeah. Can you reword that?</p> <p>03:01:24 20 BY MR. FOWLER:</p> <p>21 Q. You went to see the doctor on or about 22 December 15th, right?</p> <p>23 A. I don't believe I went to my doctor. I 24 think that was just her following up with her</p>

18 (Pages 69 to 72)

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VMP/LIS 001654

Page 73

1 referral to the neuro at that time.
 2 Q. Okay.
 3 A. And she furnished another note.
 4 Q. Now, this note is referring to your
 03:01:46 5 prior arranged travel plans. Do you see that?
 6 Are you looking at the wrong document?
 7 MR. COOPER: We're looking a document
 8 dated December 15th, and we see the word
 9 "prior" in the second to the last sentence.
 03:02:00 10 BY MR. FOWLER:
 11 Q. Do you see that?
 12 A. Right.
 13 Q. So how did your doctor know about your
 14 prior arranged travel plans?
 03:02:06 15 A. I let her know.
 16 Q. By phone, by person, how?
 17 A. By phone.
 18 Q. You called her up and asked her for
 19 another note?
 03:02:16 20 MR. COOPER: Wait. My instructions to
 21 my client -- I understand you're asking what
 22 he said. My instructions to my client were
 23 to get clarity from his physician so that I
 24 can give you answers to questions that you

Page 75

1 A. Nothing else pertinent.
 2 Q. Did you tell her where you were going?
 3 A. No. She didn't ask.
 4 Q. Did you tell her what you would be
 03:03:28 5 doing at the destination?
 6 A. I told her recreation.
 7 Q. Did she ask what recreation?
 8 A. No.
 9 Q. Then you said that you gave Exhibit 12
 03:03:38 10 to one of your supervisors?
 11 A. I believe so, but I'm not positive on
 12 that.
 13 Q. Now, after December 15th, then you told
 14 us about the communications with Sergeant
 03:03:50 15 Schillinger on or about the 20th and the 22nd,
 16 right?
 17 A. Somewhere in there, yes.
 18 Q. What's the next communication that you
 19 had with any manager or supervisor with the
 03:04:00 20 Department regarding your attendance or your
 21 physical condition?
 22 A. It would have been the very next
 23 doctor's note which was, I don't know, maybe ten
 24 days after this one.

Page 74

1 asked me.
 2 MR. FOWLER: I understand.
 3 BY MR. FOWLER:
 4 Q. And I'm focusing, Officer Scatchell, on
 03:02:36 5 what you did and who you talked to and what you
 6 said. Do you understand that?
 7 A. Yes.
 8 Q. Okay. What I'm asking you is: What
 9 conversation or communication did you have with
 03:02:46 10 Dr. Sandoval that resulted in Exhibit 12?
 11 A. It would have been by phone after I
 12 spoke with my attorney, and I let her know that I
 13 had a trip planned which was planned for a long
 14 time.
 03:02:58 15 I asked her would me being on a plane
 16 have any impact whatsoever on my injury?
 17 She said: No.
 18 Q. Is there anything else in that
 19 conversation that you told her other than being on
 03:03:10 20 a plane?
 21 A. I just told her that I was going out of
 22 town and that I would be on a plane. No, there
 23 was nothing else.
 24 Q. Did you tell her --

Page 76

1 Q. What doctor's note are you referring
 2 to?
 3 A. I think there's -- or is this the last
 4 one (indicating)?
 03:04:14 5 Q. Well, I'll tell you, this is the last
 6 one I'm aware of.
 7 A. Okay. Then this is the last one. I'm
 8 sorry. I misspoke.
 9 Q. Okay. As you sit here today, you're
 03:04:26 10 not aware of a doctor's note after December 15th?
 11 A. The one that I attempted to give Deputy
 12 Chief Castellon yesterday.
 13 Q. Okay.
 14 A. That would be probably the only recent
 03:04:36 15 one that I can recall.
 16 Q. Do you have a copy of that one?
 17 A. Not with me, no. Unfortunately my
 18 printer at home wasn't working and -- actually,
 19 you know what? There's two doctor's notes.
 03:04:42 20 There's one -- wait.
 21 No, this is the most recent one as of
 22 yesterday which states light duty employment
 23 pending the consultant input, and I wrote a
 24 To/From to Director Pitassi a couple days ago

19 (Pages 73 to 76)

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VMP/LIS 001655

Page 77

1 stating that I would like to come back light duty.
 2 He instructed me to get ahold of Deputy Chief
 3 Castellan yesterday at 10:00 a.m. which I did.
 4 I contacted him and he stated to me
 03:05:14 5 that basically he believes this to be too vague
 6 and he wanted me to have my doctor more so define
 7 what I can do, and that's -- she wrote that note.
 8 And within maybe ten minutes of her sending me
 9 that note through MyChart, I contacted Deputy
 03:05:34 10 Chief Castellan again and received no answer.
 11 MR. FOWLER: Chris, have you seen the
 12 doctor's note that he's referring to?
 13 MR. COOPER: No.
 14 BY MR. FOWLER:
 03:05:40 15 Q. I'll tell you, I haven't, either.
 16 A. Right. Again, this all came up
 17 yesterday. I assumed that I would be speaking
 18 with Deputy Chief Castellan about it, but I
 19 contacted him, left a voicemail, and at that point
 03:05:52 20 I never received any correspondence thereafter.
 21 Q. Here's what I want you to do: I want
 22 you to give that note to your attorney as soon as
 23 you can.
 24 A. Okay.

Page 79

1 one.
 2 MR. COOPER: Don't mark it?
 3 MR. FOWLER: No, because that's the
 4 only one we have.
 12:48:08 5 MR. COOPER: She's already marked it
 6 (indicating).
 7 MR. FOWLER: Oh, okay.
 8 BY MR. FOWLER:
 9 Q. All right. So looking at Exhibit 13,
 03:07:30 10 there's now some writing on the lower right,
 11 inter-something, it looks like that's what Chris
 12 just wrote?
 13 A. Inter.
 14 Q. Okay. So that's the document that you
 03:07:40 15 referred to that you gave to Deputy Chief
 16 Castellan, right?
 17 A. No. I gave that to Director Pitassi
 18 and Deputy Chief Castellan was copied.
 19 Q. Got it. And as a result of this note,
 03:07:50 20 you received communication back saying that you
 21 need to provide more detail as to your medical
 22 restrictions, right?
 23 A. Correct.
 24 Q. And that's the document that you think

Page 78

1 MR. FOWLER: And then, Chris, you're
 2 going to send it to me.
 3 MR. COOPER: Absolutely.
 4 MR. FOWLER: Can I mark this one?
 5 MR. COOPER: Is that the same one?
 6 MR. FOWLER: No, it's not the doctor's
 7 note.
 8 BY THE WITNESS:
 9 A. Is that my To/From?
 10 (Scatchell Ex No. 13 was marked as
 11 of 1/9/18.)
 12 BY MR. FOWLER:
 13 Q. Now showing you what's been marked as
 14 Exhibit 13, can you tell us what that is, please?
 03:06:36 15 A. That's the aforementioned To/From that
 16 I wrote the other day to Director Pitassi.
 17 Q. And this is the one that you talked
 18 about asking for light duty, correct?
 19 A. Correct.
 03:06:50 20 Q. When you submitted Exhibit 13, had you
 21 checked the SOPs first as to what information you
 22 were supposed to provide?
 23 A. I spoke with Director Pitassi and --
 24 MR. FOWLER: Chris, don't mark on that

Page 80

1 you submitted yesterday?
 2 A. I did not submit it yesterday. I
 3 attempted to submit it as per my conversation with
 4 Deputy Chief Castellan. He asked me to contact my
 03:08:08 5 doctor which I did, and I told her -- or explained
 6 to her secretary that her last note which would be
 7 Exhibit 11 was deemed too vague and it needed to
 8 be clarified as to what I could do in a light-duty
 9 capacity.
 03:08:26 10 MR. COOPER: Exhibit 11 or 12?
 11 THE WITNESS: I'm sorry. 12, it's 12,
 12 dated December 15th.
 13 BY MR. FOWLER:
 14 Q. You said you attempted to submit a
 03:08:36 15 doctor's note yesterday?
 16 A. Yes.
 17 Q. What does that mean?
 18 A. That means I spoke with Deputy Chief
 19 Castellan. We had a clear understanding of what I
 03:08:44 20 was going to do that day which was contact my
 21 doctor. I asked him: Are you going to be in the
 22 office the rest of the day?
 23 He stated to me: Yes, I will, because
 24 of this new system we're running -- or whatever

20 (Pages 77 to 80)

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VMP/LIS 001656

Page 81

1 his occupation on that day.
 2 I contacted my doctor, explained to the
 3 secretary that her note was too vague, and I asked
 4 if she can put in there what she deems appropriate
 03:09:08 5 for me in a light-duty capacity.
 6 She wrote her note through MyChart and
 7 that goes straight to my email. Within ten
 8 minutes of getting that email, I contacted Deputy
 9 Chief Castellan through the CSO desk and no
 03:09:22 10 answer, left a voicemail.
 11 Q. Okay. So you tried to contact him?
 12 A. Correct.
 13 Q. Okay. I'm just trying to be clear as
 14 to what happened.
 03:09:28 15 A. This is the second time. I did contact
 16 him the first time.
 17 Q. So let's break it down a little bit.
 18 A. Okay.
 19 Q. The first conversation with Deputy
 03:09:34 20 Chief Castellan yesterday --
 21 A. Yes.
 22 Q. -- by phone or in person?
 23 A. By phone.
 24 Q. Anybody else on the line?

Page 83

1 And he stated: Yes, I'll be in the
 2 office the rest of the day because of this new
 3 system we're implementing.
 4 Q. Anything else in that conversation?
 03:10:42 5 A. Take care, Chief.
 6 Take care, John. That was probably the
 7 extent of it.
 8 Q. Anything else you recall as you sit
 9 here today?
 03:10:50 10 A. Not at this time.
 11 Q. Then you had a conversation with your
 12 doctor?
 13 A. Doctor's secretary.
 14 Q. And you understood as a result of the
 03:11:02 15 conversation with the doctor's secretary they
 16 would issue a revised note spelling out the
 17 restrictions, right?
 18 A. Correct. And for the record, my doctor
 19 was kind of perplexed as to why it was requested.
 03:11:16 20 She wanted me to wait for the specialist's
 21 appointment tomorrow, but acting in good faith as
 22 I have been, I wanted to return to work. So I
 23 asked her if there was anyway she could just
 24 clarify what she meant in the last note.

Page 82

1 A. It's a station line so it's recorded.
 2 Q. But nobody else was an active
 3 participant?
 4 A. Not to my knowledge.
 03:09:46 5 Q. During that conversation, what did he
 6 say and what did you say?
 7 A. He stated to me: Okay. You want to
 8 come back light duty, that's great. I'm
 9 paraphrasing, of course.
 03:09:58 10 I said: Yeah, I'd like to come back.
 11 And he said: Okay. What we need you
 12 to do is contact your doctor and get a more clear
 13 definition as to what you can and can't do.
 14 He cited Officer Thull as an example,
 03:10:14 15 stating that -- and whether it's accurate or not,
 16 that his doctor's note stated that -- and this is
 17 verbatim -- he is allowed to answer phones and sit
 18 in a chair. This is verbatim from Deputy Chief
 19 Castellan.
 03:10:24 20 Q. Okay. Anything else in that
 21 conversation?
 22 A. I says: Okay. Thank you very much,
 23 Chief. I'll contact you later. Are you going to
 24 be in the office the rest of the day?

Page 84

1 Q. So let me backtrack a second.
 2 You talked to the secretary?
 3 A. Yes.
 4 Q. You told her that you needed a note
 03:11:38 5 clarifying the restrictions?
 6 A. Correct.
 7 Q. Anything else in that conversation with
 8 the secretary?
 9 A. No.
 03:11:42 10 Q. And that was by phone?
 11 A. Yes.
 12 Q. Anybody else on the line?
 13 A. No.
 14 Q. The next conversation -- did you talk
 03:11:48 15 to the doctor again?
 16 A. Never spoke to her verbally.
 17 Q. How do you know she was perplexed about
 18 anything?
 19 A. Because that's what the secretary
 03:11:56 20 stated to me.
 21 Q. Is there anything else that you and the
 22 secretary talked about that we haven't talked
 23 about here today?
 24 A. Not that I recall.

21 (Pages 81 to 84)

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 312-419-9292

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMD/US 004657

Page 85

1 Q You finished with the secretary, and at
2 some point after that, you saw a new letter in
3 MyChart?
4 A. Yes.
03:12:08 5 Q. So it was emailed to you?
6 A. Through MyChart, yes.
7 Q. Okay. And then you tried to reach
8 Deputy Chief Castellano?
9 A. Yes, station line.
03:12:18 10 Q. Did you email the document to him?
11 A. I do not have his email.
12 Q. You tried to reach him by phone but
13 didn't speak to him; is that what I understood you
14 to say?
03:12:28 15 A. Correct.
16 Q. Have you spoken to him since then?
17 A. No. After I did not hear back from him
18 last night, I assumed I would see him here which I
19 was correct in assuming. At that point I was
03:12:36 20 planning on furnishing him the note, but my
21 printer does not work at home. So I could furnish
22 a copy on -- electronically, but I can't -- but I
23 have no hardcopy.
24 Q. Okay. Have we now exhausted your

Page 87

1 So if I go to court, I'm guaranteed,
2 for example, three hours of time due and that
3 would be my bank. So any time you use a time-due
4 date, it takes eight hours off.
03:14:10 5 Q. So we can agree that when you use the
6 term "compensatory time," that's the same as "time
7 due"?
8 A. Correct.
9 Q. Vacation time, compensatory time,
03:14:20 10 birthday; any other time off other than sick time
11 or sick leave?
12 A. Sick time, sick days, and new days
13 which I guess in layman's terms would be personal
14 days.
03:14:34 15 Q. Okay. What is the process for
16 requesting vacation time in advance? If you want
17 to take a vacation at some time in the future, how
18 do you go about asking for it?
19 A. Could you be more clear as to if you're
03:14:48 20 asking for the use of vacation days or going on a
21 vacation?
22 Q. I'm not sure what distinction you're
23 making, but I think from my standpoint, if you're
24 going on vacation, you're using vacation days,

Page 86

1 memory of every communication that you have had
2 with every supervisor or manager at the Police
3 Department concerning your medical condition or
4 your attendance since October of 2017?
03:13:04 5 A. To what I can recall at this time, yes.
6 Q. Okay. Now I want to go back and talk
7 about the vacation schedule.
8 What is the process for you to request
9 vacation days -- well, let me break it down a
03:13:32 10 little bit more. You referred to vacation, time
11 due, birthday.
12 Time due is the same as comp time; you
13 use that term, also?
14 A. I believe that would -- could you
03:13:44 15 define like what you're referring to as "comp
16 time"?
17 Q. Well, I'm asking you. You used the
18 term earlier, "comp time." What did you mean?
19 A. Compensatory time, is what I said
03:13:52 20 earlier.
21 Q. Right. What is "compensatory time"?
22 A. Well, that's basically I worked, the
23 Department has already received the man hours for
24 it, and I get a bank of what's called time due.

Page 88

1 right?
2 A. That wouldn't be accurate.
3 Q. Okay. Why not?
4 A. Well, who's to say that you can't use
03:15:14 5 new days to go on vacation?
6 Q. Okay.
7 A. Or use time due to go on vacation? You
8 can use anything to go on vacation. That's just
9 the vernacular.
03:15:22 10 Q. Okay. So then I will be more precise.
11 Thank you for the clarification.
12 What is the process for asking for the
13 use of vacation days?
14 A. The use of vacation days would start
03:15:32 15 roughly in November/December of the preceding
16 year.
17 So the document that you have in front
18 of you is 2017 vacation picks, so that would have
19 started somewhere around November/December of
03:15:46 20 2017. The only way that works is it goes by
21 seniority based on the shift that you're on.
22 So the senior officer has a clean sheet
23 and he's able to make his pick. Then it goes down
24 to the second, third, fourth, fifth, sixth,

22 (Pages 85 to 88)

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312-419-9292

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/LIS 001658

Page 89

1 seventh, eighth officer until it gets to me. Then
 2 I make my pick. Then it goes back through the
 3 order. Once it hits the last person in seniority,
 4 it comes back to the top. Then it continues that
 03:16:08 5 process all the way until each officer has
 6 exhausted their vacation days for the upcoming
 7 year.
 8 Q. So if I understand what you're saying,
 9 the first officer to pick, the one with the most
 03:16:22 10 seniority, wouldn't pick all of his or her
 11 vacation for the entire year at that point?
 12 A. No.
 13 Q. They would just pick one?
 14 A. They would pick one, or, if it's
 03:16:30 15 available early on, you're allowed to pick a whole
 16 period -- it's broken down into two picks per
 17 period. So if it was available, a senior officer
 18 could presumably pick a whole period if it's not
 19 taken already.
 03:16:42 20 Q. Okay.
 21 A. But most generally, everybody takes a
 22 half a pick which is a two-week pick.
 23 Q. Then it continues that rotation until
 24 everybody has filled out the form with whatever

Page 91

1 A. Once the sheet is completed, then
 2 everybody knows where they stand for the following
 3 year, and the supervisors will provide that to
 4 Deputy Chief Castellano and it's basically set in
 03:17:58 5 stone for the following year.
 6 Q. And is the next step after that
 7 somebody completes a calendar that shows what the
 8 days are?
 9 A. Well, like I explained earlier, usually
 03:18:10 10 the upcoming period, the schedule will come out or
 11 it will be available to the patrol officers
 12 roughly ten days to two weeks before the period
 13 starts, seven to ten days, something like that.
 14 But I think that -- and don't quote me because I'm
 03:18:22 15 not a supervisor, I believe what they do at the
 16 start of the year once the vacation picks are
 17 finalized, they do go in there and they put in all
 18 of the vacation picks. So if you're looking --
 19 Q. I don't want you to guess on something.
 03:18:34 20 So you think that they put it in a
 21 calendar, but you don't see that until shortly
 22 before that period of time?
 23 A. Right. We don't have access to the
 24 calendar. The only time we see that calendar is

Page 90

1 their request is for that year?
 2 A. Right. So the third time through I
 3 believe in 2016 was when my vacation days were
 4 exhausted. So then when it goes past me and it
 03:17:06 5 comes back down to where my spot would be again
 6 for the fourth time, it would skip me because I
 7 don't have any vacation days left.
 8 It would keep going through that
 9 process until everybody has used the appropriate
 03:17:16 10 vacation days.
 11 Q. Until they filled out the form?
 12 A. Not until they filled out the form;
 13 until everybody's vacation days are used up or
 14 thereabouts. If you have a couple extra, somebody
 03:17:26 15 will tack -- a supervisor will tack it on to the
 16 end of one of your picks or something like that
 17 which is usually customary.
 18 Q. You don't mean used up in the sense of
 19 actually taken, but used up in the sense of being
 03:17:36 20 put on the form?
 21 A. Right, on the sheet. It's almost like
 22 a draft, if you will.
 23 Q. Okay. So once then that sheet is
 24 completed, what's the next step?

Page 92

1 through our supervisors or it's posted in the CSO
 2 office during that particular period.
 3 (Scatchell Ex No. 14 was marked as
 4 of 1/9/18.)
 03:19:06 5 BY MR. FOWLER:
 6 Q. Showing you what's been marked as
 7 Exhibit 14, is this the vacation sheet that you
 8 were just referring to?
 9 A. Yes.
 03:19:16 10 Q. And this is for the officers on
 11 Lieutenant DiMaio and Sergeant Maiello's shift?
 12 A. Correct.
 13 Q. And that included you for 2017?
 14 A. Yes.
 03:19:26 15 Q. So by this, you would be putting down
 16 the periods that you're requesting vacation for
 17 for 2017?
 18 A. Correct.
 19 Q. Show me where -- so if I understand you
 03:19:50 20 correctly, in the 11th period, October 12th
 21 through 25th, that was you?
 22 A. The one next to Thull, yes.
 23 Q. And the nine days plus two new days,
 24 what does that mean?

23 (Pages 89 to 92)

L.A. Court Reporters, L.L.C.

312-419-9292

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 93

1 A. So do you see the three above my name?
 2 Q. Yes. What's that mean?
 3 A. That indicates which pick it was. So
 4 that would have been the third trip through the
 03:20:18 5 order of seniority and that was my final pick. So
 6 as such, to complete the pick, it would have been
 7 an 11-day pick. I only had 9 vacation days in my
 8 theoretical bank at that time. So they, as in a
 9 supervisor, always offer you the opportunity to
 03:20:34 10 complete the pick with new days. I was approached
 11 by I believe Lieutenant DiMaio if I wanted to
 12 complete that pick with new days, and I said to
 13 him yes.
 14 So before the 2017 calendar year even
 03:20:50 15 began, I was down the two new days. So I started
 16 that year with essentially eight new days which
 17 was agreed upon and I was fine with that.
 18 Q. So in a particular period, let's -- if
 19 I understand this correctly, your first pick then
 03:21:02 20 was this period December 13th through December
 21 20th, right?
 22 A. December 7th through December 20th.
 23 Q. I'm sorry. You're exactly right.
 24 So December 7th through December 20th,

Page 95

1 A. Correct. So starting December 7th
 2 would be my first regular day off of that period.
 3 December 8th is a regular day off. So you
 4 wouldn't use vacation time for those days because
 03:22:22 5 you're already off. So you start counting the
 6 vacation days based on the days you're supposed to
 7 be at work -- or scheduled to be at work, I should
 8 say.
 9 So if you start at December 9th, that's
 03:22:32 10 one, two, three, four, five, six, going to
 11 December 14th. So that's six days. Then that
 12 carries me into my next set of regular days off
 13 which would be 15, 16, and 17. Then 18, 19, and
 14 20 were days I'm scheduled to be at work, so that
 03:22:50 15 would be vacation day 7, 8, and 9.
 16 Q. Okay. You're filling out Exhibit 14 at
 17 the beginning of the year when you've got 30 days,
 18 correct?
 19 A. Correct.
 03:23:04 20 Q. And so just to be clear, you're first
 21 pick was the period of December 7th through the
 22 20th of 2017, your second pick was February 2nd
 23 of 2017, and your third pick was the period of
 24 October 12th through 25th of '17; is that right?

Page 94

1 that's your first pick?
 2 A. Yes.
 3 Q. And that's designated as the number one
 4 circled above your name, right?
 03:21:16 5 A. Correct. So my first 9 vacation days
 6 out the 30 that I get go to that pick.
 7 Q. Is the 9 days covering that entire
 8 period?
 9 A. Correct.
 03:21:26 10 Q. How is it that 9 days covers that
 11 14-day period?
 12 A. With your regular days off in between.
 13 So I don't have the exact calendar in front of me,
 14 but, for example, if you want, let me take a look
 03:21:40 15 at that.
 16 (Scatchell Ex No. 15 was marked as
 17 of 1/9/18.)
 18 BY MR. FOWLER:
 19 Q. So handing you what's been marked as
 03:22:02 20 Exhibit 15 --
 21 A. Yes.
 22 Q. -- you were explaining that if you look
 23 at this calendar, it shows how the use of 9 days
 24 covers that 14-day period. So explain that to me.

Page 96

1 A. Correct. And I didn't have a fourth
 2 pick because I was out of days.
 3 Q. And this is what you're picking at the
 4 beginning of -- actually in the end of the prior
 03:23:36 5 year?
 6 A. Correct. And then this little notation
 7 means that it was already approved, everything was
 8 approved, and I believe that comes from Deputy
 9 Chief Castellan. He could shed some light on
 03:23:48 10 that.
 11 Q. So what happens if -- you're doing this
 12 10, 11, 12 months in advance. What happens if as
 13 of December of 2017 you have already used some of
 14 your vacation days for that year?
 03:24:02 15 A. You would not use -- you're not allowed
 16 to use vacation days as like: Hey, Lieutenant --
 17 paraphrasing, of course -- I want tomorrow off.
 18 Could I use a vacation day? That's not allowed.
 19 This is the only scope in which you're
 03:24:18 20 allowed to use your vacation days is through this
 21 process.
 22 Q. Okay.
 23 (Scatchell Ex No. 16 was marked as
 24 of 1/9/18.)

24 (Pages 93 to 96)

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VMP/LIS 001660

Page 97

1 BY THE WITNESS:
 2 A. Are we moving on from this
 3 (indicating)?
 4 BY MR. FOWLER:
 03:24:34 5 Q. Yes.
 6 A. Could I inquire as to why I was listed
 7 as injured for the last two days of the pick now
 8 that we've clarified the nine days?
 9 Q. Not from me.
 03:24:46 10 MR. COOPER: Let the record reflect
 11 he's looking at Exhibit 15. He's pointing to
 12 a column in 15.
 13 MR. FOWLER: Okay.
 14 BY MR. FOWLER:
 03:25:02 15 Q. All right. So at the beginning of the
 16 year, one of the reasons why you sought vacation
 17 time in October and December is that you're a
 18 hunter, right?
 19 A. Not limited to, but it would probably
 03:25:18 20 be the primary reason, sure.
 21 Q. You're a hunter?
 22 A. I am a hunter, yes.
 23 Q. Showing you what's been marked as
 24 Exhibit 16, you recognize this as airline tickets

Page 99

1 Q. Okay. Now, this shows: On hold,
 2 Purchase by November 22nd. Does that communicate
 3 to you that you purchased this ticket sometime
 4 shortly before November 22nd?
 03:27:12 5 A. I would assume so. I'm not positive.
 6 Again, outsourced to my mother.
 7 Q. So let's talk about your 2017 vacation
 8 time. It's February, the year moves along, and
 9 now comes vacation time in October.
 03:27:34 10 A. Okay.
 11 Q. Part of the reason for that vacation
 12 was for hunting season, right?
 13 A. Part of it, yes.
 14 Q. During hunting season, you go out every
 03:27:44 15 day?
 16 A. I wouldn't say every day, but it varies
 17 by week, depending on weather and other
 18 conditions.
 19 Q. Hunting season, we're talking about
 03:27:52 20 goose hunting in October and November?
 21 A. Goose and duck. We'll call it
 22 waterfowl.
 23 Q. So starting -- your vacation started --
 24 strike that.

Page 98

1 that you purchased?
 2 A. Yes.
 3 Q. Now, when did you purchase these
 4 tickets?
 03:26:12 5 A. I'm not entirely sure.
 6 Q. This document shows: On hold, Purchase
 7 by November 22, 2017, right?
 8 A. Right. Again, I'm not entirely sure.
 9 I don't handle any of my own travel arrangements.
 03:26:28 10 My mother is very good with that stuff. I
 11 outsource everything to her.
 12 Q. This trip was to -- ultimately to
 13 Portland and then back?
 14 A. Correct.
 03:26:38 15 Q. Did you go on this trip?
 16 A. Yes.
 17 Q. When did you leave?
 18 A. Well, that's the return.
 19 MR. COOPER: My client's looking at the
 03:26:48 20 document.
 21 BY THE WITNESS:
 22 A. I don't see my departure date from
 23 O'Hare in here. I only see the Portland portion.
 24 BY MR. FOWLER:

Page 100

1 Your vacation started October 12th,
 2 right?
 3 A. Yes, I believe so.
 4 Q. When does hunting season start?
 03:28:36 5 A. It varies every year.
 6 Q. When did it start in 2017?
 7 A. What state are you referring to?
 8 Q. Illinois.
 9 A. Illinois would have been October 20th
 03:28:46 10 or maybe the 21st.
 11 Q. Did you go hunting in any state other
 12 than Illinois in 2017?
 13 A. Yes.
 14 Q. Where?
 03:28:54 15 A. Wisconsin.
 16 Q. Okay. So let's start talking about
 17 when you went on vacation on October 12th. What's
 18 the first hunting trip you did?
 19 A. I had several hunting trips before that
 03:29:10 20 point.
 21 Q. But I'm talking about October 12th.
 22 A. From October 12th on?
 23 Q. Yes.
 24 A. I might have went to Wisconsin during

25 (Pages 97 to 100)

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VMB/UIS 001664

Page 101

1 that time duck hunting. I'm not entirely
2 positive.
3 Q. As you sit here today, what was the
4 first hunting trip you recall?
03:29:26 5 A. As of when?
6 Q. As of after October 12th.
7 A. I believe it to be when I went to
8 Wisconsin duck hunting.
9 Q. Duck hunting and goose hunting is both
03:29:38 10 with a 12 gauge?
11 A. No.
12 Q. What do you use for duck?
13 A. You can use any gauge.
14 Q. What do you use for duck?
03:29:46 15 A. It depends by day. So some days I use
16 a 20 gauge. Some days I use a 28 gauge. Some
17 days I use a 12 gauge. Some days I use a 410.
18 Some days I use a 16 gauge. It just depends.
19 Q. During October of 2017, what gauges did
03:30:00 20 you use?
21 A. Most likely 12 and 20.
22 Q. During October of 2017, you also went
23 goose hunting?
24 A. It would have been -- again, we'll call

Page 102

1 it waterfowl because you have the opportunity to
2 take ducks and geese in the same hunt.
3 Q. What gauge shotgun did you use when you
4 were goose hunting?
03:30:20 5 A. You use the same one for ducks and
6 geese. So if I go out there on any particular
7 day, I'm using that gun no matter for ducks or
8 geese. It's not as if I'm alternating guns.
9 Q. You're using a 410 for geese?
03:30:32 10 A. I've done it.
11 Q. Okay. The 12 gauge -- well, as you
12 progress lower in the numbers, you've mentioned a
13 410, 28 --
14 A. Yes.
03:30:44 15 Q. -- 20, 16, 12 --
16 A. Yes. I've shot all of them this year.
17 Q. Did you shoot anything bigger than a 12
18 gauge?
19 A. No. The only gauge that would be
03:30:54 20 bigger than 12 is a 10 gauge, and anybody that
21 needs a 10 gauge shouldn't be hunting.
22 Q. And as you go lower in the numbers, the
23 size of the round increases, right?
24 A. As you go lower, yes.

Page 103

1 Q. And with the size of the round, the
2 amount of recoil increases, correct?
3 A. That's not necessarily true. It
4 depends on the gun. It depends if it's
03:31:16 5 gas-operated or inertia-operated. It just all
6 depends.
7 Q. So let's focus on the 12 gauge and 20
8 gauges that you've used in 2017.
9 A. Okay.
03:31:30 10 Q. What model of 12 gauge do you use?
11 A. Benelli Super Black Eagle II; Benelli
12 Super Black Eagle I; Winchester Super X 3;
13 Browning Auto 5, the newer model.
14 Q. Anything else?
03:31:58 15 A. Winchester SX 3, 12 and 20 that would
16 be.
17 Q. Anything else?
18 A. Nope, not to my recollection.
19 Q. What 20 gauge shotguns have you used
03:32:16 20 this year?
21 A. Winchester SX 3 would be the 20.
22 Q. No other 20s?
23 A. No.
24 Q. Did your doctor know you were shooting

Page 104

1 a 12 gauge?
2 A. She knows I hunt, yes.
3 Q. Did she know you were shooting a 12
4 gauge in October and November and December of
03:32:50 5 2017?
6 A. It wouldn't have been pertinent for my
7 doctor to know that in October.
8 Q. Does that mean no?
9 A. It means it wasn't discussed because I
03:32:58 10 wouldn't have talked to my doctor for some time in
11 October of 2017.
12 Q. Okay. So in November of 2017, did you
13 tell your doctor that you were shooting a 12
14 gauge?
03:33:08 15 A. It never came up in conversation, no.
16 Q. In December of 2017, did you tell your
17 doctor you were shooting a 12 gauge?
18 A. I don't believe it ever came up in the
19 conversation. Actually in December, I almost
03:33:24 20 exclusively used only a 20 gauge.
21 Q. Why is that?
22 A. Less recoil, less -- all my guns are
23 inertia-operated that I use which makes the recoil
24 down to almost nothing.

26 (Pages 101 to 104)

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312-419-9292

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VMP/LIS 001662

Page 105

1 Q. Now, you received Exhibit 2 on or about
2 December 8, 2017, right?
3 A. Correct.
4 Q. And you were aware from Exhibit 2 –
03:34:02 5 I'll take that back.
6 A. (Tendering document.)
7 Q. – that you had an interrogation
8 scheduled for –
9 A. The 19th.
03:34:12 10 Q. – the 19th of December?
11 A. Yes.
12 Q. You didn't show up for that, did you?
13 A. No, I did not.
14 Q. And why not?
03:34:18 15 A. Because I was in Washington as I
16 believe my attorney spoke with you about, and we
17 again in good faith coordinated with you with my
18 itinerary which I was not required to furnish and
19 I had a pre-approved vacation that was covering
03:34:38 20 those days and I went on my vacation as I
21 originally planned.
22 Q. Did any supervisor or manager excuse
23 you from attending the interrogation on December
24 19th?

Page 107

1 Department specifically saying that I didn't have
2 to be there.
3 Q. Now, since November 9th of 2015, you
4 own a silver Ford Raptor?
03:35:58 5 A. State the date again.
6 Q. Since November 9, 2015.
7 A. Incorrect.
8 Q. Okay. What vehicles have you owned
9 since November 9, 2015?
03:36:08 10 A. A 2014 Raptor SVT, red not gray, and
11 then a 2017 SVT Raptor in light gray and that was
12 purchased in March of this year.
13 Q. March of --
14 A. Of 2017. I apologize. Still getting
03:36:30 15 used to 2018.
16 Q. You also own a boat?
17 A. I do.
18 Q. What kind of boat do you own?
19 A. An Express boat, I believe is the
03:36:40 20 brand. It's a duck hunting boat.
21 Q. Describe the boat for us.
22 A. It's a jon boat, a flat bottom with a
23 permanent blind affixed to it which is something
24 used for concealment when you're duck hunting, and

Page 106

1 A. I never –
2 MR. COOPER: Wait a second.
3 MR. FOWLER: I'll ask the question
4 differently.
03:34:52 5 BY MR. FOWLER:
6 Q. Did you talk to any supervisor or
7 manager who excused you from attending the
8 interrogation on December 19th?
9 MR. COOPER: Well, the supervisor
03:35:04 10 didn't plan it or notice it up. So I'm
11 thinking of the statute. I don't have it in
12 front of me. Can you ask it another way?
13 BY MR. FOWLER:
14 Q. Prior to December 19th, did any
03:35:18 15 supervisor or manager tell you that you didn't
16 have to be there on December 19th?
17 MR. COOPER: I'm still confused there.
18 Your office noticed up the deposition – I'm
19 sorry, the interrogation.
03:35:36 20 BY MR. FOWLER:
21 Q. The question to you: Prior to December
22 19th, did any supervisor or manager tell you that
23 you didn't have to be there?
24 A. I don't recall anybody from the

Page 108

1 it's got a surface-drive motor which allows to you
2 go in places that you normally wouldn't with a
3 regular outboard motor.
4 Q. That boat is about 14 feet long?
03:37:12 5 A. No.
6 Q. How long is it?
7 A. 17. And with the blind, it's
8 approximately 21.
9 Q. You also own an SUV, don't you?
03:37:26 10 A. Are you referring to the Suburban that
11 I sold?
12 Q. Okay. You had – at some time you had
13 a Suburban?
14 A. I think it was a '97 Suburban which I
03:37:38 15 no longer own.
16 Q. When did you sell it?
17 A. Sometime over the summer. I'm not
18 entirely sure. I'd have to look at my documents.
19 Q. Did the person you sold it to allow you
03:37:48 20 to still use it in the fall of 2017 for duck
21 hunting?
22 A. No.
23 Q. You also own a white trailer?
24 A. I do.

27 (Pages 105 to 108)

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312-419-9292

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VMD/LIS 004000

Page 109

1 Q. What's the purpose of that trailer?
 2 A. To store decoys and hunting equipment.
 3 Q. During the November/December of 2017
 4 timeframe, you also regularly drove Mr. Scavo's
 03:38:20 5 black Ford F-150?
 6 A. I did.
 7 Q. Mr. Scavo is the former chief of police
 8 of the Village of Melrose Park?
 9 A. He is -- well, Jaconetti was after him
 03:38:28 10 and then Chief Pitassi, Director Pitassi
 11 Q. And you're aware that Mr. Scavo is a
 12 convicted felon?
 13 A. Yes.
 14 Q. How long have you known Mr. Scavo?
 03:38:42 15 A. I would say probably as long as I can
 16 remember being alive, so at least 20 years.
 17 Q. Were you on the Department when he was
 18 chief?
 19 A. No, I was not.
 03:38:54 20 Q. And you traded trucks with him for
 21 several weeks, didn't you?
 22 A. Every year we do the same thing.
 23 Q. Why did you do that?
 24 A. He liked to drive my truck when we go

Page 111

1 A. I was listed as a guide, yes.
 2 Q. What did that mean, to be listed as a
 3 guide?
 4 A. That means that I have a certificate
 03:40:16 5 from the State of Illinois which authorizes me to
 6 bring people hunting and they could pay me a fee.
 7 Or I don't have to charge a fee, but I can take
 8 hunters every day if I so choose. You have to
 9 outline what properties and whatnot, but it's an
 03:40:32 10 official document from the Illinois Department of
 11 Conservation.
 12 Q. When did you first become affiliated
 13 IDecoy Guide Services?
 14 A. We started it in 2016 and ended it in
 03:40:48 15 2017.
 16 Q. When you say "we started it," who is
 17 the "we"?
 18 A. Myself and Mr. Scavo.
 19 Q. And who owned the company?
 03:40:56 20 A. It's not -- I mean, I don't believe it
 21 was owned, but it's Vito's company, Mr. Scavo's
 22 company, and I was just in there in the capacity
 23 to guide with him.
 24 Q. During 2016, did you receive any money

Page 110

1 hunting. And if I'm not going, he still goes. I
 2 like to let him use my truck because my truck is
 3 an off-road truck. It's designed to go off-road.
 4 So what's mine is his.
 03:39:18 5 Q. You said if you're not going, he takes
 6 your truck?
 7 A. Correct.
 8 Q. But even if you are going, he still
 9 takes your truck, doesn't he?
 03:39:26 10 A. Correct.
 11 Q. Now, are you familiar with a company
 12 called IDecoy Guide Service?
 13 A. Now defunct company, yes.
 14 Q. When was it defunct?
 03:39:38 15 A. Approximately August or September of
 16 this year. There's no revenue to be stated for
 17 this calendar year -- or last calendar year.
 18 Q. When you say "August or September of
 19 this year," you mean 2017?
 03:39:50 20 A. 2017, yes. Most of the scope of what
 21 we're talking about is 2017. So if I say "this
 22 year," I apologize, but we're talking about 2017.
 23 Q. Okay. You have a role with -- or did
 24 you have a role with IDecoy Guide Services?

Page 112

1 as a result of guiding for --
 2 A. I don't recall. I believe there were
 3 several dates that we received money and that
 4 would have been -- there's documentation you have
 03:41:20 5 to provide to the state, and I believe it's 10 to
 6 14 days of the regular season ending, and we did
 7 that. So as far as what specific or how much
 8 money, I can't even state accurately.
 9 Q. During 2017, did you receive any monies
 03:41:36 10 from -- as a result of the guide services through
 11 that company?
 12 A. No.
 13 Q. You said earlier that there's a
 14 process -- strike that.
 03:41:50 15 I was asking you questions earlier
 16 about a process for receiving approval for
 17 secondary employment. Do you remember that?
 18 A. Correct.
 19 Q. Did you ever receive approval for
 03:42:00 20 working as a guide for IDecoy Guide Services?
 21 A. I did not consider it to be work.
 22 Q. Why not?
 23 A. I didn't make any revenue off of it.
 24 Q. Any other reason?

28 (Pages 109 to 112)

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VMP/LIS 001664

Page 113

1 A. Any revenues that were generated
2 through IDecoy Guide Service would have gone back
3 to hunting equipment.
4 Q. So my question was: Did you receive
03:42:28 5 approval from anybody to do guide service for that
6 company?
7 A. I don't believe so. I'm not positive
8 on that. I know I have a secondary employment
9 form that's been filled out and approved by
03:42:44 10 Director Pitassi.
11 Q. Now, the materials that the guide
12 service used, sometimes that -- some of those
13 materials are your own, right?
14 A. Yes.
03:42:54 15 Q. Like the trailer that you mentioned?
16 A. Correct.
17 Q. The decoys?
18 A. Correct.
19 Q. The Suburban, you used that for the
03:43:02 20 guide service?
21 A. Sure, but not for guiding people. It's
22 just for everyday use -- or it was for everyday
23 use, I should say.
24 Q. For towing a trailer?

Page 114

1 A. Correct.
2 Q. You kept the trailer parked down
3 somewhere around Ottawa during hunting season?
4 A. Incorrect.
03:43:16 5 Q. Where did you park it at?
6 THE WITNESS: Am I required to disclose
7 that?
8 MR. COOPER: Let's take a moment.
9 (WHEREUPON, a recess was had.)
03:43:24 10 (Scatchell Ex No. 17 was marked as
11 of 1/9/18.)
12 BY MR. FOWLER:
13 Q. Showing you what's been marked as
14 Exhibit 17 --
04:03:48 15 A. Okay.
16 Q. -- you mentioned earlier with respect
17 to your trip to Portland, the document that I
18 showed you earlier was the return trip?
19 A. Correct.
04:03:54 20 Q. This is the trip going to Portland,
21 right?
22 A. Yes.
23 Q. This shows that the ticket was issued
24 on or about November 18, 2017?

Page 115

1 A. Where are you seeing that?
2 Q. Middle of the first page, issue date.
3 A. Okay. Yes, I believe so then.
4 Q. You believe it was issued on or about
04:04:12 5 November 18, 2017?
6 A. Yes, uh-huh.
7 Q. What was the purpose of that trip?
8 A. Recreation, trip with my grandfather.
9 Q. What did you do in Portland with your
04:04:22 10 grandfather?
11 A. Sightseeing, a little bit of hunting,
12 just basically kind of took in an area where I've
13 never been.
14 Q. What kind of hunting did you do in
04:04:34 15 Portland?
16 A. Duck or goose.
17 Q. Most of your hunting is waterfowl?
18 A. Yes -- well, I wouldn't say that, but I
19 would say a good portion.
04:04:44 20 Q. We were talking about the location of
21 your trailer.
22 A. Yes.
23 Q. That trailer was used as part of the
24 guide service, right?

Page 116

1 A. At one point or another, sure.
2 Q. You used the trailer for hunting in
3 2017, too, right?
4 A. Yes.
04:05:14 5 Q. In November of 2017?
6 A. Most likely, yes.
7 Q. And the trailer isn't stored at your
8 home in Melrose Park, is it?
9 A. Correct, it's not.
04:05:24 10 Q. Where is it stored?
11 A. In the vicinity of the Oswego area.
12 Q. There are a couple of different
13 locations where you go hunting frequently in the
14 Ottawa area?
04:05:44 15 A. No, not Ottawa.
16 Q. Oswego?
17 A. Yes.
18 Q. One of them is a lake?
19 A. If you want to call it a lake. I would
04:05:56 20 just more or less call it a waterhole. I mean,
21 it's a man-made pond.
22 Q. And when you go there, you use your
23 boat?
24 A. Correct. Sometimes, not all the time.

29 (Pages 113 to 116)

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312-419-9292

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Page 117

1 Q. You keep the boat stored in that area
2 as well?
3 A. Sometimes, not all the time.
4 Q. When you keep the boat stored there, is
04:06:14 5 it hooked up to a vehicle?
6 A. When it's stored there? No.
7 Q. So if you're going to go hunting with
8 the boat, you would drive there, hook it up to a
9 vehicle, drive it to the water?
04:06:26 10 A. No.
11 Q. Okay. Walk me through the process of
12 how you use the boat when you're hunting on the
13 water.
14 A. If we have the boat there, the boat is
04:06:36 15 going to be already in the water before we go
16 hunting that day. So it's going to be in the
17 water for the duration of the season.
18 Q. When you say if we go hunting there,
19 who is "we"?
04:06:44 20 A. Any of my usual friends that I go
21 hunting with. I don't care to name them all.
22 Q. Mr. Scavo is one of the ones that you
23 go hunting with?
24 A. He comes with, yes.

Page 118

1 Q. You're aware that, as a felon, it's
2 illegal for him to possess a firearm?
3 A. Correct.
4 Q. You're aware that, as a felon, it's
04:07:04 5 illegal for him to go hunting?
6 A. That's not true.
7 Q. Well, let me be more accurate. As a
8 felon, it's illegal for him to actually use a
9 firearm in hunting, isn't it?
04:07:12 10 A. I believe so.
11 Q. You said that one of the first hunting
12 trips that you did in 2017 was to Wisconsin?
13 A. No. That was one of the first hunting
14 trips that you asked from the range of October
04:07:38 15 12th onward.
16 Q. Fair enough. From October 12th onward,
17 the first trip was in Wisconsin?
18 A. Correct, to my recollection.
19 Q. So let me be a little more specific
04:07:48 20 then. You said that sometime in late October or
21 early November that you felt some pain in your
22 neck and back?
23 A. Correct.
24 Q. As of that point in time, how many

Page 119

1 times have you been out hunting in the fall of
2 2017?
3 A. From the point that my back and neck
4 started to hurt?
04:08:08 5 Q. Yes.
6 A. I really couldn't give you an accurate
7 guess on that.
8 Q. More than one?
9 A. Absolutely.
04:08:16 10 Q. More than five?
11 A. Most likely.
12 Q. More than ten?
13 A. Perhaps.
14 Q. More than 20?
04:08:20 15 A. I don't think so.
16 Q. Let's talk about the hunting activities
17 for just a moment.
18 A. Okay.
19 Q. When you're hunting – well, let me be
04:08:30 20 clear.
21 The hunting that you did in the fall
22 of 2017 up until today, has that all been
23 waterfowl?
24 A. No.

Page 120

1 Q. What other than – what hunting other
2 than waterfowl have you done?
3 A. In October – or actually, I'm sorry,
4 in September, I would have been –
04:08:54 5 Q. I'm going to stop you. I don't care
6 about that.
7 A. All right.
8 Q. I want to focus on from the time that
9 you started feeling pain again in your back and
04:09:04 10 neck.
11 A. Okay.
12 Q. Since that time, what kind of hunting
13 have you done?
14 A. Mostly waterfowl. And from the range
04:09:14 15 of when I started to feel the injury to the last
16 day that I hunted would have been somewhere around
17 I would say at least ten days between hunting. So
18 my belief is not that it occurred by hunting, if
19 that's the connection you're trying to make.
04:09:32 20 Q. So if I understand what you're saying
21 is you hadn't been hunting for at least ten days
22 when you first started feeling pain?
23 A. Correct.
24 Q. And then once you started feeling pain,

30 (Pages 117 to 120)

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VMP/ IIS 001666

<p style="text-align: right;">Page 121</p> <p>1 you continued to do hunting, right?</p> <p>2 A. I wouldn't say that. I would say that</p> <p>3 when I started to feel pain, I took an abnormal</p> <p>4 amount of days off from hunting to what my usual</p> <p>04:09:54 5 would be as per my doctor's request to rest and I</p> <p>6 did that. So if I felt any better or whatever, I</p> <p>7 would go.</p> <p>8 But mostly -- like before, I explained</p> <p>9 to you that I gained 50 pounds and I was cooped up</p> <p>04:10:12 10 in the house for multiple days at a time and I</p> <p>11 wanted to get out, just exercise my legs, walk, be</p> <p>12 there with the guys, blow goose call, work my dog.</p> <p>13 You know, hunting, to explain it to</p> <p>14 somebody who doesn't do it, it's more the</p> <p>04:10:28 15 experience than what you're going to kill. We may</p> <p>16 kill a lot. We may kill a little. But my</p> <p>17 experience, the fun I get out of it, is being with</p> <p>18 my friends, watching the birds work, cooing the</p> <p>19 birds, and watching the dogs work. The shooting</p> <p>04:10:44 20 is probably the least part of it that I enjoy out</p> <p>21 of all of it.</p> <p>22 Q. Since you started feeling pain in your</p> <p>23 neck and back in November-ish of 2017, have you</p> <p>24 done any hunting other than waterfowl?</p>	<p style="text-align: right;">Page 123</p> <p>1 wouldn't be carrying anything else.</p> <p>2 Q. You sometimes carry two weapons?</p> <p>3 A. No, never.</p> <p>4 Q. So you carry stuff, you generically,</p> <p>04:12:20 5 you and others who are going with you to the boat?</p> <p>6 A. Correct.</p> <p>7 Q. Put it in the boat?</p> <p>8 A. Correct.</p> <p>9 Q. Take the boat out onto the water</p> <p>04:12:28 10 somewhere?</p> <p>11 A. Right.</p> <p>12 Q. And you're typically doing that very</p> <p>13 early morning, aren't you?</p> <p>14 A. It depends. It could be early morning.</p> <p>04:12:36 15 It could be mid-morning. It could be afternoon.</p> <p>16 Again, hunting fluctuates based on the</p> <p>17 weather, based on what the birds are doing, the</p> <p>18 migration paths. There's so many variables that</p> <p>19 come into play.</p> <p>04:12:48 20 Q. How long are you in the boat on</p> <p>21 average?</p> <p>22 A. One to two hours, maybe three at the</p> <p>23 maximum.</p> <p>24 Q. Now, the boat, you said earlier, was a</p>
<p style="text-align: right;">Page 122</p> <p>1 A. No.</p> <p>2 Q. The two types of -- let me ask the</p> <p>3 question differently.</p> <p>4 How many different types of waterfowl</p> <p>04:11:08 5 hunting do you do? You mentioned the boat.</p> <p>6 A. On water and on land.</p> <p>7 Q. Okay. When you're hunting on water,</p> <p>8 you mentioned earlier that the boat is in the</p> <p>9 water in the beginning of the season?</p> <p>04:11:20 10 A. Correct.</p> <p>11 Q. Walk me through the process of what you</p> <p>12 do physically when you're going to be hunting on</p> <p>13 water, starting from the time you pull into --</p> <p>14 A. So a normal day, we pull up to the spot</p> <p>04:11:36 15 where the boat is parked and walk from the truck</p> <p>16 to the boat. On a normal day, we'll carry several</p> <p>17 items to the boat and put it storage bins where</p> <p>18 everything can go.</p> <p>19 And since my injury, the only thing</p> <p>04:11:52 20 that I've really been carrying would be my calls</p> <p>21 which would weigh maybe a pound and my weapon</p> <p>22 because I'm required to carry my weapon because</p> <p>23 it's in my possession at all times. And other</p> <p>24 than that, I mean, walking to the duck boat, I</p>	<p style="text-align: right;">Page 124</p> <p>1 17-foot jon boat?</p> <p>2 A. Correct.</p> <p>3 Q. About six-foot wide?</p> <p>4 A. Roughly.</p> <p>04:13:06 5 Q. It doesn't have lounge chairs?</p> <p>6 A. It's got very comfortable chairs.</p> <p>7 Q. Doesn't have a bed?</p> <p>8 A. It does not have a bed. That would be</p> <p>9 awesome, though, if it did.</p> <p>04:13:18 10 Q. It kind of would be.</p> <p>11 And then after the one to two hours</p> <p>12 that you referred to, you take it back to shore?</p> <p>13 A. Correct.</p> <p>14 Q. Unload it?</p> <p>04:13:26 15 A. Unload the things that we brought in</p> <p>16 that day. Most of the equipment that we're going</p> <p>17 to use during the hunt is already in there.</p> <p>18 Q. Carry the equipment back to the truck?</p> <p>19 A. No. In a typical day, I would carry my</p> <p>04:13:40 20 gun back to the truck and my duck and goose calls.</p> <p>21 Q. And then you take the truck back home?</p> <p>22 A. Correct.</p> <p>23 Q. So does that accurately and completely</p> <p>24 describe the process of hunting waterfowl when</p>

31 (Pages 121 to 124)

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VMD/ IIS 001667

Page 125

1 you're using the boat?
 2 A. To explain it here, yes, I believe so.
 3 Q. So now let's talk about when you're
 4 hunting from land.
 04:14:04 5 A. Okay.
 6 Q. Walk me through that process.
 7 A. A very similar process; we meet
 8 somewhere, drive the truck and trailer to a field,
 9 and bring our equipment to the blind, decoys get
 04:14:18 10 set out, and then we hunt.
 11 Q. So driving the truck and trailer, if
 12 the trailer is parked in that area, the first
 13 thing you need to do is hook up the trailer?
 14 A. No. It's already hooked up.
 04:14:28 15 Q. Hooked up to a truck that's there?
 16 A. Correct, most of the time.
 17 Q. What truck is there?
 18 A. Right now, there isn't a truck there.
 19 Q. Well, what truck was there in November
 04:14:38 20 and December of 2017?
 21 A. I'm not sure if we used Roger's
 22 truck -- or I'm not sure whose truck we used.
 23 You'd have to specify dates. We use multiple
 24 trucks.

Page 126

1 Q. Who is Roger?
 2 A. A friend that we hung with, and he also
 3 has decoys and stuff there.
 4 Q. So the trailer that you have has a
 04:14:54 5 bunch of decoys in it?
 6 A. Correct.
 7 Q. So you would take the vehicle and the
 8 trailer out into the middle of the field?
 9 A. Out to where our blind is. It's a pit
 04:15:04 10 blind which I believe Deputy Chief Castellani is
 11 familiar with. He helped dig several of them.
 12 Q. So you would then spread out the decoys
 13 around the pit blind?
 14 A. Yes.
 04:15:16 15 Q. Can you describe what a pit blind is?
 16 A. Basically it's either a wood or steel
 17 box in the ground which has benches and backrests
 18 and a platform which you can stand up and shoot
 19 out of and the top of it is level with the ground.
 04:15:30 20 So when you're standing in it, you're
 21 basically -- well, I'm a shorter guy, but you'd be
 22 about here and you're looking out (indicating).
 23 Q. You're referring to about chest-height
 24 when you say "about here"?

Page 127

1 A. Yes, I'm sorry. For the record, about
 2 chest-height.
 3 Q. So you go out. And the pit is already
 4 dug at the beginning of the season?
 04:15:44 5 A. Yes. A lot of them have been dug for
 6 15, 20 years, perhaps.
 7 Q. So you go out, spread out all the
 8 decoys, go in the pit, and do hunting. How long
 9 are you in the pit?
 04:16:04 10 A. Same thing as with the water, one to
 11 two hours, maybe three.
 12 Q. At the end of that period, you retrieve
 13 the truck and trailer, load up all of the decoys?
 14 A. Correct.
 04:16:14 15 Q. Return them and then you go home,
 16 right?
 17 A. Correct.
 18 Q. Anything else about the process of
 19 hunting from on land that we haven't talked about?
 04:16:28 20 A. Not to my recollection. I mean, it's
 21 pretty simple stuff.
 22 Q. So you said earlier that you reported
 23 the injury sometime early November, right?
 24 A. I believe it would be, yeah, early

Page 128

1 November-ish.
 2 Q. So I want to talk about that time
 3 forward.
 4 A. Okay.
 04:16:52 5 Q. How about the time period of November
 6 9th through the 12th?
 7 A. Honestly I can't tell you if I did or
 8 didn't. I wouldn't be able to tell you exact date
 9 ranges. I mean, I know I went hunting in
 04:17:08 10 November. I don't know what days.
 11 Q. November 13th, did you go hunting?
 12 A. I don't recall if I did or didn't. I
 13 might have. I'm not sure.
 14 Q. November 14th, did you go hunting?
 04:17:18 15 A. Again, don't recall. I might have. I
 16 might not. I'm not sure.
 17 Q. But isn't it true when you go hunting
 18 out in the Oswego area, your typical pattern is to
 19 leave your house somewhere in the 4:00 o'clock
 04:17:30 20 hour in the morning?
 21 A. It depends every day, but in that time
 22 of year, you could probably set your watch by it
 23 which I know some people have.
 24 Q. November 14th, isn't it true that you

32 (Pages 125 to 128)

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VMP/LIS 001668

Page 129

1 left the house prior to 4:50 a.m. to go hunting?
 2 A. You could say that. I'm not sure what
 3 days I went, but you could say I probably left
 4 some days before 4:50.
 04:17:52 5 Q. If your IPass records show that you
 6 were hunting -- or that your truck went through
 7 the Oswego area on the morning of November 14th,
 8 would you have any reason to disagree with that?
 9 A. If it shows that, most likely I was
 04:18:08 10 there or it could have been Vito taking my truck.
 11 Again, we trade trucks, as I've stated. As me
 12 personally driving every day -- or driving a car,
 13 I should say, every day, I was driving his car for
 14 a while. We do that every year.
 04:18:22 15 Q. November 15th, you went hunting, didn't
 16 you?
 17 A. I'm not sure. Again, you're putting
 18 dates out there that I'm not positive about.
 19 Q. Any reason to disagree that you left
 04:18:32 20 your house before 4:45 a.m. on November 15th?
 21 MR. COOPER: Well, objection, asked and
 22 answered. He said he doesn't know.
 23 MR. FOWLER: I'm asking a more detailed
 24 question.

Page 131

1 records which apparently you do, you could say for
 2 a pretty good certainty that I was out of my
 3 house.
 4 Q. November 16th, you left the house at
 04:19:40 5 4:15 a.m. to go hunting, didn't you?
 6 A. Again, you're specifying dates that I
 7 can't attest to without -- I mean, without looking
 8 at camera footage or anything like, I don't know.
 9 Q. Any reason to disagree that you went
 04:19:56 10 hunting on November 16th?
 11 A. Well, define "hunting."
 12 Q. Any reason to disagree that you went
 13 out on a hunting trip on November 16th where you
 14 brought a shotgun?
 04:20:08 15 MR. COOPER: Objection, asked and
 16 answered.
 17 BY MR. FOWLER:
 18 Q. You can answer.
 19 A. I mean, there's been days where I don't
 04:20:14 20 bring a shotgun. There's been days where I go out
 21 and I just call.
 22 Again, you're asking questions about
 23 something that occurred perhaps two months ago.
 24 Maybe it did. Maybe it didn't. I don't know the

Page 130

1 BY THE WITNESS:
 2 A. You're asking me about date ranges.
 3 We're talking two months ago. Do you remember
 4 what you ate for breakfast on November 15th?
 04:18:52 5 BY MR. FOWLER:
 6 Q. Remember, this is an opportunity for me
 7 to ask you questions.
 8 A. I'm aware, but I'm just positing how
 9 ridiculous it sounds to somebody that goes very
 04:19:02 10 frequently to say did you go on this particular
 11 day two months after the fact.
 12 Q. Do you have any reason to disagree that
 13 you left your house before 4:45 a.m. on November
 14 15th to go hunting?
 04:19:14 15 MR. COOPER: Objection, asked and
 16 answered. I'm willing to get you this
 17 information. In other words, I'll meet with
 18 my client, we'll check his calendar. I mean,
 19 he can check it now. If he can't, we'll get
 04:19:22 20 it.
 21 BY MR. FOWLER:
 22 Q. Do you have a calendar with you?
 23 A. I don't keep days in my calendar of
 24 when I went hunting. But if you have my IPass

Page 132

1 specifics of that day.
 2 Q. So as you sit here today, you just
 3 don't know one way or the other?
 4 A. I don't recall. That's what I'm
 04:20:32 5 telling you.
 6 Q. Are there any documents that you can
 7 think of -- strike that.
 8 Are there any documents whatsoever that
 9 would refresh your recollection as to what dates
 04:20:42 10 you went hunting?
 11 A. I mean, if you have IPass records of me
 12 going westbound on I-88 which I do often when I'm
 13 hunting, it's a safe bet to say that I went out
 14 with the guys.
 04:20:56 15 Now, what I did on that day or any of
 16 that -- I mean, the scope of an IPass means that
 17 my truck went through there. Like I said, there's
 18 been days when Vito goes without me and takes my
 19 truck. There's been days when other friends take
 04:21:08 20 my truck and go without me. I have no problem
 21 with that. That doesn't bother me.
 22 Q. Other than IPass, is there anything
 23 else that you can think of that might refresh your
 24 recollection as to when you went hunting?

33 (Pages 129 to 132)

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VMD/ISC 001660

Page 133

1 A. Not that I can recall.
 2 Q. Do you have any text messages or email
 3 communications with any of your friends about
 4 hunting dates?
 04:21:28 5 A. Most of our conversations occur via
 6 phone, like phone calls. I mean, you'll have me
 7 calling people that I've hung with, but what
 8 occurred during those conversations, I don't know.
 9 Q. When you go out waterfowl hunting early
 04:22:02 10 in the morning, it's your practice to go to
 11 7-Eleven first and get a coffee?
 12 A. Sometimes. It depends.
 13 Q. Any reason to disagree that you stopped
 14 at a 7-Eleven around 4:15 a.m. on November 16th?
 04:22:16 15 MR. COOPER: Objection, asked and
 16 answered.
 17 BY MR. FOWLER:
 18 Q. You can answer.
 19 A. I may have been. I may not have been.
 04:22:24 20 I mean, a typical day, sometimes I go to 7-Eleven;
 21 or if I'm running late, I'll stop at Dunkin Donuts
 22 on the way. It varies.
 23 Q. So if I go through these dates one by
 24 one, is there any particular day as you sit here

Page 134

1 today that you know for sure that you went hunting
 2 or you know for sure you didn't? And I'll break
 3 that down. I'll do it a piece at a time.
 4 A. Okay.
 04:22:46 5 Q. Since November 9th of 2017 --
 6 A. Okay.
 7 Q. -- is there any particular day that you
 8 know for sure that you went hunting?
 9 A. Any particular day? I -- in the range
 04:23:00 10 of November?
 11 Q. Since November 9th.
 12 A. Since November? I could say I've gone
 13 recently. I wouldn't be able to recall the days.
 14 Q. Since November 9th of 2017, are there
 04:23:14 15 any dates that you can say definitively you did
 16 not go hunting?
 17 A. Definitively, no.
 18 Q. Are there any documents that would
 19 refresh your recollection as to what days you did
 04:23:28 20 or did not go hunting since November 9, 2017?
 21 A. Aside from the IPass records that you
 22 have, none that come to mind.
 23 Q. Who is Richard Bono?
 24 A. A hunting friend.

Page 135

1 Q. Who is Roger Grivetti?
 2 A. Hunting friend.
 3 Q. And Roger Grivetti has a son, correct?
 4 A. That's correct.
 04:23:54 5 Q. And he goes hunting with you guys?
 6 A. He's got two sons and they both go
 7 hunting.
 8 Q. Let's talk about November 20th of 2017.
 9 A. Okay.
 04:24:06 10 Q. Was there an occasion that -- do you
 11 remember November 20, 2017?
 12 A. I remember the day in question, sure.
 13 Q. Okay. Tell me what happened on that
 14 day.
 04:24:20 15 A. Do you have particular questions you
 16 want to ask?
 17 Q. Sure. What time did you leave your
 18 house that morning?
 19 A. Somewhere in the 4:00-something range
 04:24:28 20 most likely.
 21 Q. Where did you go?
 22 A. To the same spot where we duck hunt.
 23 Q. With whom?
 24 A. Most likely that day I probably drove

Page 136

1 with Vito and Rick; Richard, as you called him.
 2 Q. Bono?
 3 A. Correct.
 4 Q. You left Melrose Park and went there in
 04:24:48 5 your truck?
 6 A. Correct.
 7 Q. And when you say got there, you were
 8 doing water hunting that day from the boat?
 9 A. Correct.
 04:24:58 10 Q. So you left the house somewhere in the
 11 4:00 o'clock hour?
 12 A. I would guess, yeah.
 13 Q. What time did you get to the Oswego
 14 area?
 04:25:06 15 A. I mean, I'd have to look at a
 16 sunrise/sunset calculator, but usually we arrive
 17 for duck hunting somewhere between a half hour to
 18 15 minutes before shooting time. Legal shooting
 19 time is a half hour before sunrise.
 04:25:22 20 Q. So fair to say that you got to the area
 21 where you're going to be hunting then 45 minutes
 22 to an hour before sunrise?
 23 A. Roughly, roughly.
 24 Q. When you got there, what did you do?

34 (Pages 133 to 136)

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VMP/LJS 001670

Page 137	Page 139
<p>1 A. Same thing I described to you earlier</p> <p>2 which would be pull up by the boat, park, carry</p> <p>3 the equipment or whoever carries the equipment. I</p> <p>4 carry my own gun, my calls, and maybe a box of</p> <p>04:25:48 5 shells.</p> <p>6 Q. And you said it was the three of you.</p> <p>7 Did you meet anybody that day?</p> <p>8 A. Yes.</p> <p>9 Q. Where did you meet him at?</p> <p>04:25:54 10 A. At that location.</p> <p>11 Q. Who did you meet?</p> <p>12 A. Roger Grivetti who you spoke of before</p> <p>13 and his son.</p> <p>14 Q. Which son?</p> <p>04:26:02 15 A. Is it imperative to include a juvenile</p> <p>16 in this?</p> <p>17 Q. How old is he?</p> <p>18 A. 12.</p> <p>19 Q. The older son or younger son?</p> <p>04:26:12 20 A. Younger.</p> <p>21 Q. You met them near the boat?</p> <p>22 A. Correct.</p> <p>23 Q. You guys got on the boat?</p> <p>24 A. Yep.</p>	<p>1 you're sitting down, I would say that the top</p> <p>2 level of the blind would come to here on me,</p> <p>3 around my chin area (indicating).</p> <p>4 Q. So you're holding your hands to your</p> <p>04:27:22 5 neck?</p> <p>6 A. Roughly to my chin area.</p> <p>7 Q. So your head is pretty much over the</p> <p>8 top of the blind all the time?</p> <p>9 A. I wouldn't say that because it's an</p> <p>04:27:30 10 enclosed blind. So you're sitting in the middle</p> <p>11 of it, and your point of view, obviously you see</p> <p>12 the top of the blind here so you can see</p> <p>13 everything out in front of you (indicating).</p> <p>14 Q. I guess my question is: Unless you're</p> <p>04:27:46 15 ducking down into the boat for something, then</p> <p>16 your head and your eyes are over the top of the</p> <p>17 blind most of the time?</p> <p>18 A. Correct. You wouldn't need to duck</p> <p>19 down for anything.</p> <p>04:27:58 20 Q. Because you're hunting, you need your</p> <p>21 eyes to be able to see around the boat and in the</p> <p>22 sky, right?</p> <p>23 A. Right.</p> <p>24 Q. So as you're hunting on November 20th,</p>
Page 138	Page 140
<p>1 Q. What time was it when you got on the</p> <p>2 boat?</p> <p>3 A. Like I said, probably roughly</p> <p>4 15 minutes or so before shooting time.</p> <p>04:26:28 5 Q. So roughly 45 minutes or so before</p> <p>6 sunrise?</p> <p>7 A. Right. Yeah, about there.</p> <p>8 Q. You take -- what did you do next?</p> <p>9 A. We pull up to a spot we decide to hunt</p> <p>04:26:40 10 based on what the wind is that day and then</p> <p>11 basically everybody throws out the decoys, not me</p> <p>12 because I control where the boat is going. So all</p> <p>13 I'm doing is holding a switch and then everybody</p> <p>14 else is throwing out the decoys while I keep the</p> <p>04:26:54 15 boat steady with the switch.</p> <p>16 Q. So you're driving the boat?</p> <p>17 A. That day, I was.</p> <p>18 Q. From the front or from the back?</p> <p>19 A. From the rear.</p> <p>04:27:02 20 Q. You said that the boat has a blind</p> <p>21 built into it?</p> <p>22 A. Yeah, permanent.</p> <p>23 Q. How tall is the blind?</p> <p>24 A. It's kind like a goose pit, but if</p>	<p>1 you're in the back of the boat that day?</p> <p>2 A. Yes.</p> <p>3 Q. Where was Mr. Grivetti?</p> <p>4 A. Next to me.</p> <p>04:28:16 5 Q. Where was his son?</p> <p>6 A. Next to him which is always the case.</p> <p>7 Q. And you said the other one was Roger?</p> <p>8 A. No. Richard.</p> <p>9 Q. Richard. I'm sorry.</p> <p>04:28:26 10 Where was Richard?</p> <p>11 A. Next to Roger.</p> <p>12 Q. And where was Mr. Scavo?</p> <p>13 A. At the other end of the boat, front end</p> <p>14 of the boat with his dog.</p> <p>04:28:34 15 Q. Did you move the boat around during</p> <p>16 that period of time that you were hunting?</p> <p>17 A. I'm confused.</p> <p>18 Q. How long were you hunting from the boat</p> <p>19 that day?</p> <p>04:29:04 20 A. I can't tell you. Maybe two, three</p> <p>21 hours. I'm not sure.</p> <p>22 Q. What was your role during those two to</p> <p>23 three hours?</p> <p>24 A. During those two or three hours, I sat</p>

35 (Pages 137 to 140)

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VMP/JJS 001671

<p style="text-align: right;">Page 141</p> <p>1 on my end of the boat which is where the motor is 2 and looked out and looked in front of us to see if 3 there was any birds. If there were, I would call 4 at them. And then if there was any birds that 04:29:24 5 would decoy, we would shoot at them. 6 Q. You yourself, you were hunting that 7 day, right? 8 A. That day, I was, yes. 9 Q. Anything unusual happen during those 04:29:42 10 two or three hours while you're hunting on the 11 water? 12 A. During the two to three hours on the 13 water? No. 14 Q. During those two to three hours on that 04:29:48 15 day, did you get any waterfowl? 16 A. Yes. 17 Q. How many? 18 A. Not sure. I remember this part 19 distinctly that we did not get what we call a kill 04:30:02 20 limit. We didn't kill a limit that day. We were 21 just short which the limit would be four ducks -- 22 or four mallard ducks per guy. So that would have 23 been 16 on that day; for myself, Roger, Rick, and 24 Roger's son. We were short of that.</p>	<p style="text-align: right;">Page 143</p> <p>1 Q. And so what happened when the 2 conservation officer approached you guys? 3 A. We've dealt with this conservation 4 officer several times before. I mean, he's maybe 04:31:34 5 a 20, 25-year vet. He knows the gentleman who 6 used to own the land, and he passed away 7 unfortunately. 8 Myself and Vito have had many 9 conversations with him over the years. He comes 04:31:46 10 and checks on us one or twice a year. Usually he 11 knows that we don't do anything that would even be 12 of questionable legality. 13 And on that particular day, when he 14 first walked up, his first statement to us that I 04:32:04 15 remember was: Oh, wow, you got all the ducks 16 separated. I like that. 17 In Illinois, if I have three ducks and 18 he has four ducks and you have three ducks, 19 they're all supposed to be separate. You can't 04:32:16 20 party hunt. So everybody has to have their own 21 birds. 22 He checked us that day. He checked 23 that and went through the usual routine as to what 24 he checks us on.</p>
<p style="text-align: right;">Page 142</p> <p>1 Q. Who else was shooting that day? 2 A. Myself, Roger, Rick, and Roger's son. 3 Q. Did Mr. Scavo shoot that day? 4 A. To my knowledge, no. 04:30:34 5 Q. When you say "to your knowledge," what 6 do you mean? 7 A. To what I was able to witness with my 8 own two eyes, no. 9 MR. COOPER: Well, let me intervene. I 04:30:42 10 thought the reason that my client was 11 summoned here was because of an allegation 12 that Mr. Scavo discharged a firearm. I did 13 meet with my client to discuss this 14 interrogation and discuss his knowledge. So 04:30:58 15 that's the basis for his response. 16 BY MR. FOWLER: 17 Q. Did Mr. Scavo have possession of a 18 firearm on the boat that day? 19 A. To my knowledge, no. To what I was 04:31:06 20 able to witness, no. 21 Q. Then when you returned to the shore 22 that day, the group of you were approached by a 23 conservation officer, right? 24 A. Yes.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. So as best you can recall, he walked 2 up, and he said: Oh, good, you got the ducks 3 separated. What's the next thing he said? 4 A. He said: All right. Can I see 04:32:40 5 everybody's license, which is typical. Everybody 6 provided their license including Vito. 7 At that point, he goes: Okay. Who's 8 got guns? And everybody -- which all the guns 9 were cased, unloaded. Everybody took their guns 04:32:58 10 out of their cases and he looked at each gun. 11 He says: Okay. Now show me that the 12 gun can't hold more than three shells in the 13 tube -- or, I'm sorry, more than two shells in the 14 tube, because you're limited to three shells per 04:33:08 15 gun. You can't shoot any more than three for 16 waterfowl in Illinois, or I think federally. 17 So you take one shell, two shells, and 18 then when you go to put the third one in, if you 19 have a plug in your gun which you're required to 04:33:20 20 by law, you can't. It's impossible. 21 And he did that for all four of us that 22 had guns that day. He said: Okay. Can I see 23 your shells? So he looked at our shells because 24 all your shotgun shells are required to be</p>

36 (Pages 141 to 144)

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VMP/JJS 001672

Page 145

1 nontoxic and they're not.
 2 Then he said to me: Is this your boat?
 3 I said: Yes, it is.
 4 He gets in the boat. He says: All
 04:33:42 5 right. I need to look at some stuff.
 6 He looked at some compartments, not
 7 entirely sure what he was looking for, didn't find
 8 anything that was pertinent or anything like that.
 9 Then he said to me: Okay. There's
 04:33:52 10 five people on the boat. Do you have five
 11 lifejackets? Provided him that.
 12 Do you have a fire extinguisher on
 13 board? I provided him that. Do you have a
 14 trowelable device? I provided him that. And I
 04:34:04 15 believe he asked to see my boater's registration,
 16 and I provided him that.
 17 That was the extent of the initial
 18 interaction with him.
 19 Q. You referred to Vito. Is that Mr.
 04:34:14 20 Scavo?
 21 A. Yes.
 22 Q. And what happened next?
 23 A. And next he had a private conversation
 24 with Vito after he checked everything.

Page 146

1 Q. When you say "private conversation"
 2 with Mr. Scavo, how did that take place?
 3 A. He just stated: Hey, can I talk to you
 4 over here?
 04:34:34 5 They walked away, and myself, Roger,
 6 Rick, and Roger's son went about talking about
 7 either the day's hunt or whatever we were talking
 8 about.
 9 Q. Could you hear what was said between
 04:34:42 10 the conservation officer and Mr. Scavo?
 11 A. No, I could not.
 12 Q. What happened after that -- or how long
 13 did they talk?
 14 A. Maybe ten minutes, something like that.
 04:34:52 15 Q. What happened after that ten minutes?
 16 A. I observed Vito walking back towards me
 17 with kind of a dejected type of look and that
 18 bothered me because -- I mean, Vito's like a
 19 father to me. You asked me the extent of my
 04:35:08 20 relationship with him and he's -- not that he's
 21 blood, but he's the closest thing to it and we
 22 share a lot with each other. I mean, it's not
 23 like we're just hunting buddies. We spend time
 24 together all the time.

Page 147

1 I just saw a look in his eyes. So I
 2 approached -- when he walked back, I approached
 3 the conservation officer and I showed him my badge
 4 and stated to him: Hey, we're all law enforcement
 04:35:34 5 here. What's the conversation about? What's
 6 going on?
 7 And then at that point, he began his
 8 interview of me.
 9 Q. Were you talking with him in the
 04:35:42 10 presence of all of the others?
 11 A. No. Individually.
 12 Q. You and he walked off a ways just as he
 13 had with Mr. Scavo?
 14 A. Correct.
 04:35:48 15 Q. Okay. During the time that you were
 16 with the conservation officer, what did you say
 17 and what did he say?
 18 A. Paraphrasing because, again, this was a
 19 while ago, but he asked me -- what did he say? He
 04:36:02 20 says to me: Are you familiar with Mr. Scavo?
 21 I said: Yes. He's like a father to
 22 me.
 23 He goes: So you know his
 24 circumstances?

Page 148

1 And I said: Which is?
 2 That he can't possess a gun. Again,
 3 I'm paraphrasing.
 4 I said something to the effect of:
 04:36:18 5 Yeah, I'm definitely aware of that.
 6 He gave me a look, a blank look, like:
 7 Are you going to say that he didn't possess a gun
 8 today?
 9 And I said: Absolutely not. That was
 04:36:30 10 my belief that he didn't possess a gun that day.
 11 He stated to me that -- well, Mr. Scavo
 12 stated to me for ten minutes, or however long the
 13 time period was, that he possessed a gun.
 14 I said to him: That was your
 04:36:44 15 conversation with him. I don't know what he said
 16 to you, but if that did occur, and I don't believe
 17 Mr. Scavo would put himself in that situation, I
 18 didn't see it.
 19 And he said to me: You didn't see it?
 04:36:56 20 You're in the boat with him.
 21 And I said: Yeah, but I'm 15 feet to
 22 his right.
 23 And he said: You're 15 feet to his
 24 right?

37 (Pages 145 to 148)

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VMD/ IIS 001672

Page 149	Page 151
<p>1 I said: It's a 17-foot boat. I'm in 2 the back. He's two feet from the front. That's 3 15 feet. 4 He goes: Okay. And then he basically 04:37:10 5 stated to me: Are you sure you want to say what 6 you're saying? 7 And I said: That's what I observed. I 8 didn't observe anybody shoot a gun. 9 And to quantify what occurs during a 04:37:22 10 duck hunt, when birds come in, single bird or 11 multiple birds come in, one person – well, myself 12 and Vito will call. We'll blow call, or Roger 13 will, too. And one person calls the shot is which 14 is to mean that one person says: Okay. Now let's 04:37:38 15 shoot them. 16 So you come up – you know, somebody 17 will say: Let's shoot them. You come up, shoot, 18 and there could be – it's almost like 19 pandemonium. There's ducks going in every 04:37:48 20 direction. 21 When you shoot, you shoot your zone 22 which means basically you're shooting straight in 23 front of you, 45 degrees on either side, which 24 means you're always safe. You're not shooting</p>	<p>1 the duck's dead. That's the gist of it. 2 So when we shoot, my focus is only on 3 what I'm shooting and making sure I'm safe. 4 Q. We were talking about your conversation 04:39:22 5 with the conservation officer. 6 A. Correct. 7 Q. Is there anything else that you and he 8 said in that conversation? 9 A. Like I said, he stated to me, 04:39:28 10 paraphrasing: Is that what you want to go with? 11 And I stated: That's what I observed 12 and that's what I'm telling you. 13 He says: Okay. He moved on from me, 14 and that was the end of our interaction for the 04:39:40 15 day. 16 Q. Did you have any other conversation 17 with him after that? 18 A. After that, no. 19 Q. After that conversation with the 04:39:50 20 conservation officer, you were aware that the 21 conservation officer said that he saw Mr. Scavo 22 shooting that day? 23 A. He said that he believed he saw that. 24 Q. And you knew that that day, right?</p>
Page 150	Page 152
<p>1 over somebody's head. You're not shooting behind 2 your back or some stupid stuff. You're shooting 3 out in front of you in this little zone. So when 4 you come up and shoot, you're focus is only on 04:38:12 5 this zone. 6 So then you shoot, then birds drop, and 7 your gun is empty after three shots. Typically 8 what happens if there's multiple birds, there's 9 going to be three, four, five dead birds and then 04:38:24 10 there's going to be a cripple. We call them a 11 cripple. That's terminology in the hunting world. 12 Basically it refers to a duck that's still alive 13 that's been downed, but state law requires you to 14 dispatch them immediately. And not only state 04:38:40 15 law, but it's for our own dog safety because if a 16 live duck gets out, you send a dog, the live duck 17 can evade a dog. It can dive. It can swim 18 faster. So the typical procedure would be: Live 19 duck, shoot them immediately. 04:38:54 20 This is – anybody that's ever duck 21 hunted over water, that's standard. If the duck's 22 on the water still alive, which we indicate it's 23 still alive by its head is still up, you keep 24 shooting until you have no more shells or until</p>	<p>1 A. I'm sorry? 2 Q. You knew that that day? 3 A. I knew what that day? 4 MR. COOPER: Objection, asked and 04:40:10 5 answered. 6 BY MR. FOWLER: 7 Q. You understood on November 20th that 8 the DNR officer believed that Mr. Scavo was 9 engaged in illegal conduct, right? 04:40:26 10 A. He believed that, yes, and he stated 11 that to me. 12 Q. So after that trip – strike that. 13 You're aware that as a police officer 14 for the Village of Melrose Park you have an 04:40:42 15 obligation to report to your supervisors any 16 interactions with law enforcement that could lead 17 to further action, right? 18 A. I was not aware of that because there's 19 no action that was pending against me to my 04:40:56 20 knowledge, nothing criminal on that day or any 21 questionable integrity on that day in my 22 estimation. 23 Q. You were aware that the conservation 24 officer didn't believe you, weren't you?</p>

38 (Pages 149 to 152)

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VMP/JJS 001674

Page 153

1 A. I'm not aware of that. I think that he
2 wanted me to say whatever he wanted me to say, but
3 I'm not aware that -- I mean, he can't attest to
4 what my own two eyes saw, and he was -- the
04:41:16 5 position of where he was watching us, he couldn't
6 positively discern who anybody was.
7 Q. He was challenging your statement when
8 you said you didn't see Mr. Scavo shoot, right?
9 A. I would say that's a fair assessment.
04:41:30 10 Q. Now, after that conversation with the
11 conservation officer, did you report that
12 communication to any of your supervisors at the
13 Department?
14 A. No, I did not. I didn't deem it
04:41:42 15 necessary.
16 Once again, I don't believe that
17 anything I did was of questionable integrity or
18 illegality.
19 Q. You were aware that that situation
04:42:00 20 could result in criminal prosecution against Mr.
21 Scavo, weren't you?
22 A. I believe that if he thinks he saw him
23 shoot which he stated to me, I don't know what his
24 procedure is. We have our own procedures here.

Page 154

1 He's in a totally different county with a totally
2 different jurisdiction with totally different
3 SOPs. So I don't know what his intentions were.
4 He didn't state that to me and I didn't ask him.
04:42:24 5 Q. I didn't ask you any intentions. What
6 I asked was: You were aware that the situation
7 could result in criminal prosecution of Mr. Scavo,
8 weren't you?
9 A. I wasn't aware that it could. I
04:42:32 10 mean --
11 Q. You were not aware that it could or --
12 A. Let me rephrase.
13 I wasn't aware that the situation that
14 occurred was going to result in -- well, I don't
04:42:42 15 where it was going to go after that. I'm not --
16 Q. I understand.
17 A. I'm not the DNR officer. So it's out
18 of my hands.
19 Q. But the question I asked you was:
04:42:52 20 Could it result in prosecution?
21 MR. COOPER: Objection, speculation.
22 He's not DNR. He's not a lawyer.
23 BY THE WITNESS:
24 A. Again, like I said, it occurred in

Page 155

1 Kendall County. I'm a police officer in Cook
2 County. There's different regulations, different
3 SOPs, different levels of what an officer
4 determines to be his own -- what's the word I'm
04:43:16 5 looking for -- whether he wants to prosecute or
6 not. I mean, that's his decision.
7 So I have no idea as to where it could
8 have went after that. But once again, it wasn't
9 my concern.
04:43:28 10 Q. On the next day, November 21st, did you
11 go hunting?
12 A. I don't believe I did.
13 Q. November 22nd, did you go? That would
14 have been the day before Thanksgiving, if that
04:43:42 15 helps you.
16 A. Maybe. I'm not positive.
17 Q. November 23rd, you went hunting, right?
18 Thanksgiving Day?
19 A. I can't remember, to be honest with
04:43:54 20 you. I know where I went for dinner. I don't
21 remember if I went hunting.
22 Q. After the November 20th incident, are
23 there any days that you can identify as you sit
24 here today that you either did or did not go

Page 156

1 hunting?
2 A. I could say I went yesterday.
3 Q. Where did you go yesterday?
4 A. Same place, not water, fields.
04:44:42 5 MR. FOWLER: All right. Give us a few
6 minutes.
7 (WHEREUPON, a recess was had.)
8 MR. FOWLER: Back on the record.
9 BY MR. FOWLER:
04:52:36 10 Q. Is there anything else that you would
11 like the chief or deputy chief to take into
12 account as they're deciding what to do with
13 respect to the allegations against you?
14 MR. COOPER: Boy, I wasn't expecting
04:52:50 15 that. I need two seconds.
16 (WHEREUPON, a brief recess was had.)
17 MR. COOPER: I think it's in my
18 client's best interest not to say anything in
19 response to the last question.
04:54:26 20 MR. FOWLER: Is that so?
21 MR. COOPER: And that's not to disobey
22 an order.
23 BY MR. FOWLER:
24 Q. Well, you're the one testifying, right,

39 (Pages 153 to 156)

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VMP/LIS 001675

Page 157	Page 159
<p>1 rather than him?</p> <p>2 A. My statement would be I don't have</p> <p>3 anything further to add to this.</p> <p>4 MR. COOPER: You don't see that as</p> <p>04:54:40 5 disobeying an order?</p> <p>6 MR. FOWLER: I do not.</p> <p>7 MR. COOPER: Okay. Now, what we did</p> <p>8 talk about, as to the medical records you</p> <p>9 asked for --</p> <p>04:54:46 10 MR. FOWLER: Let me cover that with --</p> <p>11 MR. COOPER: Oh, sure.</p> <p>12 MR. FOWLER: So as we talked about, I</p> <p>13 am going to ask for his medical records. I'm</p> <p>14 going to ask for a medical release so that I</p> <p>04:54:56 15 can get the medical records. As a result of</p> <p>16 that, it is very possible that I may need to</p> <p>17 recall him and ask him some more questions</p> <p>18 after I see those.</p> <p>19 So the bottom line to that is I'm</p> <p>04:55:06 20 not saying today that I'm done. I'm not</p> <p>21 going to make a decision on that until after</p> <p>22 I see those documents.</p> <p>23 I will send you a medical release</p> <p>24 in the next day or so, Chris.</p>	<p>1 that your client brought with him today and</p> <p>2 that you showed me earlier?</p> <p>3 THE WITNESS: Right.</p> <p>4 MR. COOPER: And there were a couple of</p> <p>04:56:10 5 pages which represent prior medical records.</p> <p>6 MR. FOWLER: And you, Mr. Cooper, are</p> <p>7 going to retain possession of all of those</p> <p>8 documents?</p> <p>9 MR. COOPER: Well, my client and I</p> <p>04:56:18 10 will, both. We share.</p> <p>11 MR. FOWLER: You're not going to lose</p> <p>12 them?</p> <p>13 MR. COOPER: Well, let's hope not.</p> <p>14 THE WITNESS: I picked a blue folder so</p> <p>04:56:26 15 it's very easy to remember.</p> <p>16 MR. FOWLER: All right. So we are done</p> <p>17 for today.</p> <p>18 MR. COOPER: All right. I mean, here</p> <p>19 is my sense: I would love to say we object</p> <p>04:56:36 20 to the continuation of the interrogation</p> <p>21 because the statute doesn't allow for that,</p> <p>22 but I trust that when the Department</p> <p>23 interrogates a police officer, it does so for</p> <p>24 reasonable reasons and that its lawyers won't</p>
Page 158	Page 160
<p>1 MR. COOPER: Okay. Do you want the</p> <p>2 DuPage medical records that we have?</p> <p>3 MR. FOWLER: I assume that they'll be</p> <p>4 part of the complete medical records.</p> <p>04:55:28 5 THE WITNESS: I believe so.</p> <p>6 MR. FOWLER: And if you want to send me</p> <p>7 something in terms of a protective order or a</p> <p>8 protective agreement --</p> <p>9 MR. COOPER: Right.</p> <p>04:55:34 10 MR. FOWLER: -- I'm happy to look at</p> <p>11 it. I will represent to you that obviously</p> <p>12 whatever I receive will be kept confidential,</p> <p>13 but if you want to send me something, I'm</p> <p>14 happy to look at it.</p> <p>04:55:44 15 MR. COOPER: I can write something up.</p> <p>16 All right. So I will be holding</p> <p>17 the blue folder with a couple pages from the</p> <p>18 medical records, and we both agree that I'm</p> <p>19 going to take this with me and that there</p> <p>04:55:56 20 will not be an allegation that my client</p> <p>21 disobeyed an order.</p> <p>22 MR. FOWLER: And just to be completely</p> <p>23 clear, when you're referring to the "blue</p> <p>24 folder," you're referring to the documents</p>	<p>1 prolong the interrogation. So I trust you</p> <p>2 right now.</p> <p>3 MR. FOWLER: Excellent speech. Thank</p> <p>4 you.</p> <p>04:56:56 5 MR. COOPER: All right. The court</p> <p>6 reporter wants to know and make sure that you</p> <p>7 gets paid, right? I understand.</p> <p>8 THE REPORTER: Mr. Cooper, Mr. Fowler</p> <p>9 is ordering the transcript to be transcribed.</p> <p>04:57:10 10 Would you like a copy?</p> <p>11 MR. COOPER: I do want a copy. We'll</p> <p>12 get that on the record.</p> <p>13 (WHEREUPON, the interrogation was</p> <p>14 concluded at 4:57 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

40 (Pages 157 to 160)

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VMP/JJS 001676

EXHIBIT 42

Notale
Ex 3



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

To: LT Mark Rieger #08

From: OFC Scatchell #23

Date: 07 APR 18

Reference: Grievance

At this time, I, Officer John A. Scatchell #23, submit to my immediate supervisors certain grievable issues. This is in compliance with Step 1 of the Grievance process pursuant to Article 4 (the Grievance and Arbitration Section) of the Collective Bargaining Agreement ("CBA").

Article 4 states in relevant part,

[a]ny dispute over meaning or application of the terms of this Agreement shall be subject to binding arbitration. There shall be no strikes while this Agreement is in effect.

Grievable issues are only those issues relevant to the interpretation of this Collective Bargaining Agreement.

In interpreting and applying this Agreement, the Association, the Employer, and the Arbitrator shall consider the terms of this Agreement in light of past practice of the parties over the duration of their collective bargaining relationship.

At this time, I am grieving the following issues:

1. In the course of my employment, I received certain updated Melrose Park PD Standard Operating Procedures ("SOP"). I received these SOP's in the form of a CD-ROM. In exchange for the aforementioned CD-ROM, I was ordered to sign and date an acknowledgement that I received a copy and understood the contents. This was without ever having had an opportunity to view the contents of the CD-ROM or an opportunity to review a paper version of the updated SOP's. Furthermore, upon reviewing the contents of the SOP's in both CD-ROM and paper form, there were no tracked changes of a nearly 500-page document. Several changes in the SOP's

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11



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

violate the CBA and established past practices of the MPPD.

2. I was unilaterally issued an order that imposed restrictions on my pre-approved vacation pick. This pick was my first choice of vacation pick and covered the dates of December 7th-20th, 2017. Such changes violated established past practices and prevailing rights as set forth in the CBA (*See Holidays/Vacations, Personal Days, and Sick Leave Sections of the CBA*).
3. I was not compensated during the 2017 calendar year for my birthday (*See Personal Days Section of the CBA*).
4. My status was changed in the computer scheduling system and on printed copies of the MPPD work schedule for the week of December 7th, 2017. Someone with access to the system altered my vacation days (12/19/2017 and 12/20/2017). Without my knowledge or consent, these dates were changed from vacation days to sick days ("injured"). Such changes violated established past practices and prevailing rights set forth in the CBA (*See Holidays/Vacations Section of the CBA*).
5. I was ordered to sign a medical release on two (2) occasions, with specific deadlines. This order violated my constitutional rights, my right to privacy, my rights pursuant to the Family Medical Leave Act, past practices of the Melrose Park Police Department, and the CBA. I provided doctors notes as requested. Instead of requesting a physician illness certification, that would certify the seriousness and parameters of my injury. I was ordered to sign an expansive release requiring that I authorize MPPD to obtain an overly broad array of medical disclosures that are not relevant to their investigation.
6. The CBA guarantees equal protection and uniform application of disciplinary matters. This department has violated this protection by applying discipline, investigation, and punishment disproportionately to certain officers/supervisors. The result is unjustified disparate impact and disparate treatment of certain officers.

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7. MPPD illegally and without justification acquired personal information on my mother's iPass transponder. This was done in an attempt to use the ill-gotten information against me in disciplinary matters. I do not know the extent of these records or if these were the only records that were unlawfully accessed.

By this grievance, pursuant to the CBA, I request a meet and confer (discussion), as to the foregoing, with my immediate supervisor. My goal is to attempt to resolve the issue with my immediate supervisor as outlined in the CBA.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "John Scatchell Jr.", written over a horizontal line.

OFC John Scatchell Jr. #23

CC SGT Cacciatore #15



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

TO: Ofc. John Scatchell #23
FR: Lt. Mark G. Rieger #8
DA: April 10th, 2018
RE: Grievance

Ofc. Scatchell,

Thank you for responding to my inquiry regarding whether or not you had a grievance to initiate. I understood your response to mean that you had more than one. I therefore requested that you provide it to me in writing, so that I could clearly understand those grievable issues. You later provided me the attached (3) page document.

Having read your documents, the following paragraphs are my response;

- 1.) I observed that your reference of Article 4, specifically 4.1- Grievable Issues, failed to include the last assertion of that paragraph which states, "General Village Employment Policies, Management Rights and S.O.P. are not grievable issues."
- 2.) I interpret your listed "1" issue to state that several changes in the SOP's violate the CBA and established past practices of the MPPD. Having concluded that this is your grievance, you failed to provide which particular changes in the SOP you are referring to that violate our CBA and I fail to recognize what particular relevance they have to our CBA.
- 3.) I interpret your listed "2" issue to state that you were unilaterally issued an order that imposed restrictions on your pre-approved vacation pick. I fail to recognize how the particular restriction is relevant to Article 5 of our CBA.



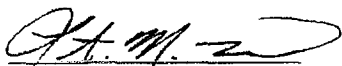
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Sam C. Pitassi • Director of Police

- 4.) I interpret your listed "3" issue to state that you were not compensated during the 2017 calendar year for your birthday. I am not certain if you mean this to say that you were not paid, or that you did not receive your birthday off. Either meaning, I cannot answer for that issue at this time.
- 5.) I interpret your listed "4" issue to state that your vacation days were changed without your consent. I fail to recognize how this particular change is relevant to Article 5 of our CBA.
- 6.) I interpret your listed "5" issue to state that you were ordered to sign a medical release on (2) occasions and that this order violated the CBA. I fail to recognize how this order is relevant to any Article of our CBA.
- 7.) I interpret your listed "6" issue to state that your protection and uniform application of disciplinary matters has been violated by applying discipline, investigation, and punishment. I fail to recognize any discipline posed against you at this time, nor grievable relevance of an 'investigation' to any Article of our CBA.
- 8.) I interpret your listed "7" issue to state that your mothers personal iPass information was unlawfully acquired by the MPPD and was attempted to be used for means of discipline against you. I fail to recognize your mother as a member of the Lodge and any disciplinary matters taken against you at this time, nor its grievable relevance to our CBA.

I conclude that the majority of these issues, excluding only your 3rd, do not have grievable relevance to our CBA, as I interpret them, and I therefore cannot identify what remedies I can instill in resolving these issues.

Respectfully,


Lt. Mark G. Rieger

Attachment (1)

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MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

TO: Ofc. John Scatchell #23
FR: Lt. Mark G. Rieger #8
DA: April 18th, 2018
RE: Grievance

Ofc. Scatchell,

I have responded to your grievance issues in writing, having concluded that I could not identify any remedies of resolve to those issues which are not relevant to our CBA; the issues are absent any specific requested relief. You later communicated to me that my response was unacceptable. I then immediately communicated to you that your grievance issues need to proceed to the Chief; this is the Second Step of our CBA. I have provided the Chief copies of each of our letters. I now encourage you to accelerate your attempt to resolve your grievable issues with the Chief.

I will remain available to you in person at work, by work email and work telephone, extension 6113.

Respectfully,


Lt. Mark G. Rieger

CC: Director Sam C. Pitassi



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

To: Director Pitassi

From: OFC Scatchell #23

Date: May 7th, 2018

Reference: Grievance Supplement

Pursuant to step 2 of the Grievance process outlined in the Collective Bargaining Agreement ("CBA"), I contacted you directly to address my grievance. You stated in a phone conversation that I would have to submit in writing the applicable sections of the CBA that were relevant to each potentially grievable issue. Below you will find my initial grievance statements (numbers 1-7) with the corresponding CBA sections listed underneath each. Additionally, as instructed by the lodge, I have added remedies that I would see fit to resolve this grievance and avoid arbitration.

At this time, I am grieving the following issues:

1. The practice of Receiving revised SOP's on a Disk, without tracked changes, and ordered to sign an Acknowledgement without the Opportunity to Review before Signing:
 - a) **Original Grievance:** In the course of my employment, I received specific updated Melrose Park PD Standard Operating Procedures ("SOP"). I received these SOPs in the form of a CD-ROM. In exchange for the CD-ROM, I was ordered to sign and date an acknowledgment that I received a copy and understood the contents without ever having had an opportunity to view the contents of the CD-ROM or a chance to review a paper version of the updated SOP's. Furthermore, upon examining the contents of the SOP's in both CD-ROM and paper form, there were no tracked changes of a nearly 500-page document. Several changes in the SOP's violate the CBA and established past practices of the MPPD.

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Sam C. Pitassi • Director of Police

- b) Upon information and belief, I received revised SOPs for 2013, 2014, 2015, 2016, and 2017. None of these signed Acknowledgements appear in my Personnel File.
- c) **CBA section:** The entire CBA since the SOP's govern the conditions of our employment and we could face discipline for violating any SOP.

d) **Remedy:**

- i. A copy of any new or notable changes to each volume of the SOP's should be provided in both paper and CD-ROM form in the spirit of transparency and open candor. This remedy would put the officers on notice of any changes, so they would not be unwittingly violating the newly added SOP's.
 - ii. Count X - "Association with a Known Felon" should be dismissed because the language of Count X was not added to the MPPD SOP's until the 2016 revision. In fact, it appears that the entire scope of how to administer and handle discipline changed from 2015 – 2016 versions of the SOP's. Accordingly, the BOFPC's charge against me for "Association with a Known Felon" should be dismissed.
 - iii. I have worked at the MPPD for over five (5) years. During this time, you and many others knew about my relationship with Vito Scavo, the former Melrose Park Police Chief. I am accused of associating with him, yet his name was still attached to relevant documents/orders posted in our department as recently as February 2018, nearly two months after I received the above-mentioned charges. (See: attached building evacuation plan document). Alternatively, Count X should be dropped based on the doctrine of waiver.
2. **Original Grievance:** I was unilaterally issued an order that imposed restrictions on my pre-approved vacation pick. This pick was my first choice of vacation pick and covered the dates of December 7th-20th, 2017. Such changes violated established past practices and prevailing rights as outlined in the CBA.

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a) **CBA section:** *See Sections, 1.1, 2.1, 6.1-6.3 Holidays/Vacations, Personal Days, and Sick Leave Sections of the CBA.*

b) **Remedy:**

- i. This order against travel during a pre-approved vacation pick allowed charges to be brought against me for "Disobeying Lawful Order Regarding Time Off to Travel during a Medical leave." I was well within my rights to travel on the dates of 12/17/17 through 12/22/17. My below listed birthday compensation (see: Grievance Issue #3) and the two vacation days that were removed would have covered the entirety of my trip. Additionally, I brought extra money with on the trip, to ensure that emergency travel would be possible if ordered by the PD.
- ii. Count VII - "Disobeying Lawful Order Regarding Time Off to Travel during Medical leave" should be dropped immediately and I should be compensated for the two vacation days that were wrongfully revoked.

3. **Original Grievance:** I was not compensated for the 2017 calendar year for my birthday (*See Personal Days Section of the CBA*).

a) **CBA section:** 5.2

b) **Remedy:** I receive my 2017 birthday compensation during the 2018 calendar year.

4. **Original Grievance:** My status was changed in the computer scheduling system and on printed copies of the MPPD work schedule for the week of December 7th, 2017. Someone with access to the system altered my vacation days (12/19/2017 and 12/20/2017). Without my knowledge or consent, these dates were changed from vacation days to sick days ("injured"). Such changes violated established past practices and general rights outlined in the CBA.

a) **CBA section:** *See Holidays/Vacations Section of the CBA Section 5.1.*

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b) **Remedy:** See: Remedy proposed in Grievance Issue #2 section b(ii).

5. **Original Grievance:** I was ordered to sign a medical release on two (2) occasions, with specific deadlines. This order violated my constitutional rights, my right to privacy, my rights according to the Family Medical Leave Act, past practices of the Melrose Park Police Department, and the CBA. I provided doctors notes as requested. Instead of requesting a physician illness certification, that would certify the seriousness and parameters of my injury, I was ordered to sign an expansive release requiring that I authorize MPPD to obtain an overly broad array of medical disclosures that are not relevant to their investigation

a) **CBA Section:** 5.3

b) **Remedy:**

- i. I spoke with lodge representatives about the above-stated issue in February 2018 and they, in turn, spoke with you and the Village's attorney (Fowler). Fowler and my attorneys then spoke and seemingly agreed that my attorneys would draft a revised release, which would be decided upon by the Village's attorneys. When this release was drafted and signed, the Village's attorneys then submitted that release to a medical provider to attempt to acquire my pertinent medical records. When the medical provider did not disclose those records to the Village, I was further charged with "Disobeying Lawful Order Regarding Medical Records." The documents not being disclosed was solely the fault of the Village's attorneys, who failed to adhere to simple rules/templates outlined by the medical provider to acquire such documents. Additionally, in the charging document I was accused of interfering with the production of the medical records. The Villages attorney's put me in a "lose-lose" situation by asking my attorneys to have me contact my medical provider to ask why the documents had not yet been furnished. This occurred through phone correspondence on or about March 13th, 2018. I did not call my medical provider out of fear that my contact alone would constitute interference.

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My attorneys advised the Village's attorneys to have one of their employees reach out to the medical provider. I believe that no matter how I handled this request by the Village's attorneys, I would have been charged with the above-listed charge.

- ii. Count VI – "Disobeying Lawful Order Regarding Medical Records" should be dropped immediately.

6. **Original Grievance:** The CBA guarantees equal protection and uniform application of disciplinary matters. This department has violated this protection by applying discipline, investigation, and punishment disproportionately to certain officers/supervisors. The result is unjustified disparate impact and disparate treatment of certain officers.

a) **CBA section:** 1.1, 2.1, and 2.2

b) **Remedy:** There are only two remedies that I see fit. First, discipline is applied uniformly and proportionate to the charges brought. Additionally, I am entitled to a fair and impartial tribunal. I only wish to be treated fairly. Before December 8, 2017, I was never disciplined. In fact, I have never been issued a verbal or written warning. To my knowledge, only one other officer has faced a formal interrogation/charges for disciplinary matters not relating to residency under this administration. This is despite the fact that far more egregious acts/investigations were conducted within the department ranks and no charges were brought. The fact that the first step in perceived misconduct is to interrogate, charge, and move to terminate shows unjust and retaliatory action by the investigating bodies involved (you and Deputy Chief Castellan). I believe this is on account of your adverse relationships with my father, LT. John J Scatchell, as well as your former Chief, Vito R. Scavo. Secondly, my proposed remedy is to dismiss all of the charges against me, as this has been a fishing expedition and a witch hunt from day one.

7. **Original Grievance:** MPPD illegally and without justification acquired personal information on my mother's iPass transponder. This was done in an attempt to use the ill-gotten information against me in disciplinary matters. I do not know the extent of these records or if these were the only records that were unlawfully accessed.

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- a) CBA section: 1.1, 2.1, and 2.2
- b) **Remedy:** The illegally obtained "evidence" be excluded or suppressed, and the subsequent charges relating said illegally obtained "evidence" be dismissed.

By this grievance, according to the CBA, I request a meet and confer (discussion), as to the foregoing, with you, Director Pitassi. My goal is to attempt to resolve the issue with you, Director Pitassi, as outlined in the CBA.

Respectfully submitted,

OFC John Scatchell Jr. #23



Ofc Scatchell grievance

1 message

John Scatchell Jr <jscatchelljr@melroseparkpd.com>

Mon, May 7, 2018 at 2:50 AM


Reply-To: jscatchelljr@melroseparkpd.com

To: mrieger@melroseparkpd.com, gcacciatore@melroseparkpd.com

Hello Lt. and Sgt., I am submitting this grievance to you both per my conversation with Sgt Cacciatore on 06 MAY 18. I have also left the original signed copy of this document on your desk in the supervisor's office. Thank you for your time and consideration in this matter.

Regards,

Officer Scatchell #23

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MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

To: LT Mark Rieger #08

From: OFC Scatchell #23

Date: 06 MAY 18

Reference: Grievance

At this time, I, Officer John A. Scatchell #23, submit to my immediate supervisors, a grievable issue. This is in compliance with Step 1 of the Grievance process and pursuant to Article 4 (the Grievance and Arbitration Section) of the Melrose Park Police Department's Collective Bargaining Agreement ("CBA"), which states in relevant part:

Any dispute over meaning or application of the terms of this Agreement shall be grievable and shall be subject to binding arbitration as specified in this Article. There shall be no strikes while this Agreement is in effect. Grievable issues are only those issues relevant to the interpretation of this Collective Bargaining Agreement. (Sec. 4.1).

Section 5.3 of the MPPD CBA outlines the sick leave policy by stating that:

an employee who is sick for more than three (3) consecutive sick days, as a result of illness or a non-duty injury, may apply for extended leave by filling out a completed Extended Leave Request Attending Physician's Statement (Form 5.3b) and an Employee Medical Certification Release (Form 5.3b1). *See 2014 CBA § 5.3 (b) at 5.*

An officer who is placed on sick leave as a result of an injury or illness contracted in the line of duty shall be entitled to full pay for one (1) year. An officer, who is placed on sick leave as a result of any other disability, except that resulting from an injury incurred in the course of other employment, shall be entitled to full pay for six (6) months ... *See 2014 CBA § 5.3 (b) at 5.*

When the employee returns to work, he or she will complete an Absence Due to Short Illness Form (Form 5.3a). This form will be approved by the employee's supervisor and forwarded to the Records Unit. *See 2014 CBA § 5.3 (b) at 1.*

A three-panel Review Board shall oversee the application of the Sick Leave Policy specified in the foregoing subsection, provided that the Review Board shall not inquire into any particular case until the officer has been on sick leave for at least one (1) month. (Emphasis added) *See 2014 CBA § 5.3 (c).*

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Upon information and belief, no Review Board convened to determine that my injury had violated the sick leave policy. I received no notice that such a Board was reviewing my claim and no such board requested more information from my treating physicians or me. I began my sick leave on November 9th, 2017. I was never given or ordered to submit the medical certification form or any Family Medical Leave Act notices.

Instead, the Statement of Charges against me allege that on or about November 13, 2017, Deputy Chief Castellan received an "anonymous report" that I was allegedly violating the Sick Leave policy. Upon further information and belief, on or about November 14, 2017, Deputy Chief Castellan began his own investigation by hiring an "experienced police officer" to begin surveilling me. This surveillance "was frequently conducted over the next month." This was only four (4) days into my sick leave.

Furthermore, an anonymous tip without anything more is not the proper basis for probable cause. It is a direct violation of Section 3.8 (b) of the Uniform Peace Officers' Disciplinary Act which states: "Anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit." See (50 ILCS 725).

On or about December 7, 2017, I began my department approved vacation. At that point, I was on sick leave for approximately 28 days. I was not scheduled to return to work until 12/21/17. The next day, I was notified that I was being formally investigated for allegedly violating the sick leave policy by Deputy Chief Castellan.

According to the December 8th, 2017 notice of interrogation/formal investigation, Director Pitassi and Deputy Chief Castellan are listed as the sole investigators for the MPPD. Therefore, Director Pitassi and Deputy Chief Castellan violated section 5.3 (c) of the 2014-2017 CBA by deviating from the process outlined pursuant to the CBA.

By this grievance, and pursuant to the CBA, I request a meet and confer (discussion), as to the foregoing, with my immediate supervisor. My goal is to attempt to resolve the issue with my immediate supervisor as outlined in the CBA.

Bearing this in mind, an "anonymous report" to Deputy Chief Castellan, as the lone reason for conducting an investigation, albeit an improper investigation, is not valid whatsoever. No sworn affidavits have ever been mentioned or brought up to date to back up this "anonymous report" and therefore the whole investigation should be deemed improper and should be stricken entirely. Formally, I move that the following remedy of a dismissal of the Sick Leave Abuse charges against me be supplemented by a dismissal of all subsequent charges that emerged from this improper investigation ("fruit of the poisonous tree.")

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MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Scatchell Jr.", is written over a horizontal line. To the right of the signature, the number "23" is handwritten.

OFC John Scatchell Jr. #23

CC SGT Cacciatore #15

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14



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

TO: Ofc. John Scatchell #23
FR: Director Sam Pitassi
DA: May 14, 2018
RE: Grievance

Ofc. Scatchell,

I am responding to your May 7th Memo to me concerning your apparent desire to advance your April 7, 2018 Grievance to Step 2 of the Grievance process. Under Section 4.3 of the CBA, if you were not satisfied by your supervisor's response, you had five days to "proceed to the second step." The CBA provides further that "[t]he time limits set forth in this Article may be extended for reasonable periods only if an aggrieved Officer is unavailable to participate in the grievance process and such participation would materially assist in settlement."

Your supervisor responded initially on April 9, 2018, and on April 18, 2018, your supervisor notified you, in writing, that you needed to advance the grievance to Step 2 if you wished to pursue it further. You have not claimed that you were "unavailable to participate in the grievance process" and so by waiting until May 7, your "grievance" is now untimely and it is accordingly denied on that basis.

Because your grievance is untimely, I have no obligation to address the substance, but even if I did, it would not change the result – I would deny your grievance on the substance as well, and I write here to explain my reasoning both to you and to the FOP.

1. Item 1 of your "Grievance Supplement" challenges the distribution and content of the SOPs. Section 4.1 of the CBA provides that "Grievable issues are only those issues relevant to the interpretation of this Collective Bargaining Agreement. General Village Employment Policies, Management Rights and S.O.P. are not grievable issues." Because your grievance relates to SOPs, which is specifically excluded from the grievance process, and because distribution and content of the SOPs are not part of the CBA and therefore cannot be "relevant to the interpretation of this" CBA, the issue you raise is not grievable, and was therefore properly denied by Lt. Rieger.

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Sam C. Pitassi • Director of Police

In addition, I note that the relief you seek regarding this issue is dismissal of one of the Counts in the Charges against you now pending before the Board of Fire and Police Commissioners ("BOFPC"). Chapter VI, Section 2(g) of the BOFPC's Rules provide that "objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board." A grievance is not the proper venue. (I note that this same issue applies to your points 2, 4, 5, 6 and 7.)

2. Item 2 in your "Grievance Supplement" relates to vacation during the period of December 7-20, 2017. First, simply picking vacation dates does not guarantee that those dates may be taken off. For example, in your case, you used some of the time available during the year and so it was not available as "vacation" during the December 7-20 period. Second, you claimed to have incurred an exacerbation of a work-related injury, and it was therefore entirely appropriate for your supervisors to insist that you comply with medical restrictions. Finally, Lt. Rieger's response was entirely correct – you have received the benefit of your holidays and vacation days and so your "grievance" does not involve the interpretation of the CBA and the provisions you cited in your Memo have nothing to do with this issue.

3. Item 3 claims that you were not compensated in 2017 for your birthday. We have not been able to locate any records where you sought to use your birthday in 2017, and our practice has been that it must be requested, and if not, it is waived. If you present documents showing that you, in fact, requested to use your 2017 birthday day, please send me copies and I will consider the issue further. Otherwise, this aspect of the grievance was properly denied.

4. Item 4 claims that the "computer scheduling system" was changed concerning your schedule on 12/19/17 and 12/20/17 and you claim that this "violated established past practices and general rights outlined in the CBA." I disagree. Management must have the ability to modify the schedule based upon actual usage of time due and what remains available. Moreover, because the practice does not violate a specific provision of the CBA, it is not grievable and was therefore properly denied by Lt. Rieger. In any event, the issue is moot because I am not pursuing charges against you for not reporting for duty on those dates.



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

5. Item 5 complains about being required to sign a medical release, citing Section 5.3 of the CBA. The issue regarding substantiation of the need for leave is not addressed in Section 5.3, so there is nothing there to "interpret" and it was therefore properly denied by Lt. Rieger. Moreover, because you claimed that the absence was due to an exacerbation of a work-related injury, and because the injury itself is doubtful based upon your activities during that period, the Village is entitled to more information than what you provided.

6. Item 6 seeks to grieve the imposition of discipline against you, but this issue is premature in that you have not yet been subjected to discipline, and Lt. Rieger therefore properly denied this issue as well.

7. Finally, item 7 complains about our acquisition of your mother's IPASS information. Here again, nothing about this issue requires the interpretation of the CBA and Lt. Rieger therefore properly denied this issue as not grievable.

Because your "Grievance Supplement" is untimely, and also because none of the issues you raise have any merit whatsoever, I do not think that it would be a productive use of time to discuss them in person and therefore I will not schedule a meeting with you concerning these issues.

Director of Police

A handwritten signature in black ink, appearing to read "Sam C. Pitassi", with a long horizontal stroke extending to the right.

Sam C. Pitassi

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Scatchell Grievance files

1 message

John Scatchell Jr <jscatchelljr@melroseparkpd.com>
Reply-To: jscatchelljr@melroseparkpd.com
To: mvfopldge19@gmail.com

Tue, May 15, 2018 at 5:24 PM

FOP Lodge 19,

Attached are the files in chronological order as they pertain to each grievance document.

Initial Grievance (4/7/18)

Rieger Response (4/10/18)

Initial Grievance Supplement to move to Step 2 (5/7/18)

Evacuation Plan document attached to above Supplement (5/7/18)

Director's Response to Supplement (5/14/18)

Second Grievance (5/7/14)

I don't believe the application of the "5 day" allotment in the CBA that Director Pitassi refers to in his response applies to me, but rather my immediate supervisor. LT Rieger responded within the 5 days, that is not contested. I do not believe I was bound by any 5 day timeline to advance the grievance to step 2. Director Pitassi responded within the 10 days allotted to him, that also is not contested.

Additionally in his response, Director Pitassi cites outdated Board of Police and Fire Commissioners statutes as his reason to not recognize my proposed remedies. I am not asking anything of the Board of Police and Fire in any of my documents. I am asking Director Pitassi, who has been referred to in all Department issued documents as one of the investigating bodies into my situation along with Deputy Chief Castellano. My stance is that, as investigator, he can drop charges at any time and that does not relate to the BOFPC.

Regarding the status of my second grievance, to my knowledge it is at Step 2. I spoke with LT Rieger on Today's date and he stated that the issue/document had been presented to Director Pitassi. On May 12th, I explained to LT Rieger that I do not expect him to reasonably be able to resolve this issue and he agreed to forward it to the Director for Step 2. When a response is received regarding that grievance, I will provide it to you ASAP. I view my proposed remedy in the second grievance in the same light as the first grievance. I am asking Director Pitassi as the lead or one of the investigating bodies to drop the appropriate charge(s) against me. This is not a request to the BOFPC.

I have also attached the following department issued documents:

Notice of Interrogation (12/08/17)

Notice of Interrogation 2 (12/20/17)

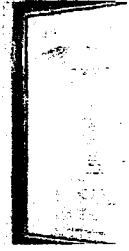
Statement of Charges (03/27/18) - note my council did not receive this until 04/04/18

Notice of Hearing (04/03/18) - also received on 04/04/18

Thank you for your time and consideration in this matter,










Ofc. John A. Scatchell #23

10 attachments



Evacuation Plan.JPG
464K

(?ui=2&ik=d428fd1a56&view=att&th=16365e8a6ad1717a&attid=0.4&disp=inline&safe=1&zw)

-  (?ui=2&ik=d428fd1a56&view=att&th=16365e8a6ad1717a&attid=0.1&disp=attd&safe=1&zw) **Initial Grievance 07 APR 18.pdf**
103K
-  (?ui=2&ik=d428fd1a56&view=att&th=16365e8a6ad1717a&attid=0.2&disp=attd&safe=1&zw) **Rieger Response 10 APR 18.pdf**
709K
-  (?ui=2&ik=d428fd1a56&view=att&th=16365e8a6ad1717a&attid=0.3&disp=attd&safe=1&zw) **Grievance Supp 07 MAY 18.PDF**
169K
-  (?ui=2&ik=d428fd1a56&view=att&th=16365e8a6ad1717a&attid=0.5&disp=attd&safe=1&zw) **Director Response 14 MAY 18.pdf**
1967K
-  (?ui=2&ik=d428fd1a56&view=att&th=16365e8a6ad1717a&attid=0.6&disp=attd&safe=1&zw) **Second Grievance 2 07 MAY 18.PDF**
86K
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98K
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108K
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494K
-  (?ui=2&ik=d428fd1a56&view=att&th=16365e8a6ad1717a&attid=0.10&disp=attd&safe=1&zw) **Notice of Hearing 03 APR 18.pdf**
641K



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

TO: Ofc. John Scatchell #23
FROM: Director Sam C. Pitassi
DATE: May 24, 2018
RE: May 7th 2018 Sick Leave Policy Grievance

Ofc. Scatchell,

I am responding to your May 6th Grievance Memo (sent by email May 7th), concerning Section 5.3 of the CBA and your contention that the Charges against you violate that provision. Although the Grievance was directed to your Supervisors, I am responding because the Grievance challenges my action in issuing the Charges against you.

As a preliminary matter, I consider your Grievance to be untimely. You were aware of the investigation concerning your abuse of sick time as of December 8, 2017, your sick leave ended on January 9, 2018, and the Charges were issued on March 27, 2018. Your Grievance, submitted six months after becoming aware of the investigation, 11 weeks after you returned from sick leave and six weeks after the Charges were issued against you, is therefore untimely.

Wholly aside from the matter of being untimely, your Grievance is substantively deficient.

First, the Grievance purports to rely upon the terms of the "2014 CBA §5.3". That CBA expired on December 31, 2017, more than four months before your Grievance was submitted. (I also note that much of the language you "quoted" was not contained in the 2014 CBA.)

Second, the current agreement between the Village and your Union provides for a Review Board mechanism only when the Officer applies for a "Long-Term Leave" and the Review Board then has "jurisdiction over applications for Long-Term Leave and shall render a decision whether to grant or deny the application..." (CBA §5.3(d)). You did not apply for an Extended Leave pursuant to the terms of the 2018 CBA and, therefore, the Review Board mechanism you rely upon in your Grievance did not apply to your absence.

Next, even if the 2014 CBA applied here, and it does not, the Review Board's role was to consider the duration of the leave. The Charges filed against you did not relate to the duration of the leave. Instead, the Charges against you include Count I, based upon

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Sam C. Pitassi • Director of Police

MPPD's Policy Manual Rule 340.5.5(c) which prohibits abuse of leave privileges and Section 1014.2, which provides, "Employees on sick leave shall not... participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness." Your Doctor had ordered you to "rest at home" but you disregarded that limitation and engaged in a "sport, hobby, recreational or other activity" on a frequent basis during your medical leave. The language of the CBA simply does not apply your misconduct during sick leave.

Moreover, this result is fully consistent with both the 2014 and 2018 CBAs which expressly provide that "General Village Employment Policies, Management Rights and S.O.P. are not grievable issues." (See CBA §4.1)

Finally, your Grievance complains about the fact that an investigation was initiated based upon an anonymous report, referring to the Uniform Peace Officer's Disciplinary Act. That Act does not require a sworn complaint before the initiation of an internal investigation. More to the point though, pursuant to §4.1 of the CBA, "Grievable issues are only those issues relevant to the interpretation of [the] Collective Bargaining Agreement." Because there is nothing in the CBA concerning the initiation of internal investigations for violations of the Department's "Employment Policies, Management Rights and S.O.P." and because the CBA expressly provides that issues concerning "Employment Policies, Management Rights and S.O.P." are "not grievable issues," there is no basis for your Grievance regarding the investigation.

For all of the foregoing reasons, your May 6th Grievance is denied.

A handwritten signature in black ink, appearing to read "Sam C. Pitassi", is written over a horizontal line.

Sam C. Pitassi
Director of Police

3/5/2019



Fwd: Director Response to Scatchell Grievance 2
1 message

From: FOP LODGE19 <mvfopldodge19@gmail.com>
Date: May 30, 2018 at 11:58:42 PM CDT
To: jscatchelljr@melroseparkpd.com
Cc: "Hagerty, Ryan" <rah@ulaw.com>
Subject: Re: Director Response to Scatchell Grievance 2

3/5/2019

Law Offices of Gianna Scatchell Mail - Fwd: Director Response to Scatchell Grievance 2

John,

As we discussed earlier today we can meet at the station along with the lodge attorney, Ryan Hagerty on Tuesday, June 5th at 3:00pm to discuss the options going forward. I talked to Ryan and he thinks the meeting should take about two hours to go over everything. I will be there along with, president Raul Rodriguez, and Ryan. Please contact me immediately if something changes and you can not make the meeting. Raul said that we can use his office

Thanks,

Dennis

On Thu, May 24, 2018 at 6:07 PM John Scatchell Jr <jscatchelljr@melroseparkpd.com> wrote:
FOP Lodge 19,

Attached you will find Director Pitassi's response to my most recent grievance. Once again I take issue with all of the denials cited within. There is nothing that dictates the timeliness in regards to filing a grievance. Also I brought forth grievance concerns on an unrelated matter to the lodge at the February meeting and I was told I could not file grievances until discipline has been levied. I consider formal charges to be discipline. Also the Director's response states that I am no longer governed by the 2014 CBA, although the incident and investigation in question occurred under the time frame of the old contract. I strongly disagree with his stance and, therefore, everything cited regarding the 2018 CBA should be deemed moot. Additionally, the Director's description of the role of the review board under the 2014 CBA is purely his opinion. I seek to have an arbitrator rule on this and the entire grievance in its totality. Also I find the Director's description of Lodge 19 as a "union" suspicious, considering for 44 years he has known that the lodge is not considered a union, but rather a benevolent association. Please provide me with any updates you have regarding this grievance, or the grievance we discussed in person and via email on 15 MAY 18.

Thank you for your time and consideration in this matter,

Ofc John A. Scatchell #23

25



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Director of Police

To: Director Pitassi

From: Ofc. Scatchell #23

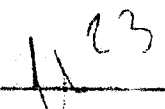
Date: 27 JUN 18

Reference: Ofc. Peter A. Caira

In summary, but not in verbatim or in its entirety, in late May I learned of Caira's involvement in an MPPD internal investigation, of which I was the topic. Several times since that discovery, Caira has attempted to engage me in conversation, including in the east stairwell of MPPD at close proximity. This has made me feel increasingly uncomfortable every time. On 12 JUN 18 between 16:00 and 16:30, I was in the back lot of MPPD. Caira exited the MPPD through the east exit and proceeded to walk towards me. He addressed other officers with different greetings, before drawing eye contact with me. Upon both of us making eye contact with each other, he winked at me. There is simply no basis for any relationship with myself and Caira to justify a wink. This is sexual harassment. I felt extremely uncomfortable, as well as harassed and intimidated. In my opinion, the act was sexual in nature. This action by Caira has caused me undue stress and mental anguish, as the very person who sought to strip me of my livelihood is now winking at me.

This all culminated on 26 JUN 18 between 16:00 and 16:30, when I went to the 7/11 convenient store while on duty to procure necessary hydration supplies for the then-current tour of duty. Upon walking into the store, I immediately observed then off-duty Ofc. Caira at the lottery machine, located just to the right of the entrance. Once I had entered, Caira addressed me with some type of uncomfortable greeting that I cannot recall verbatim. I replied to him something to the effect of "look dude, you and I have nothing to discuss." Caira answered (paraphrasing): "I just tried to say hi." I responded to Caira with something along the lines of "well don't say hi to me ever again." I feel that my past responses to Caira are warranted, as I do not desire to have any relationship with him. I am always prepared to have a professional relationship with him to accomplish the goals of MPPD.

Respectfully submitted,



 OFC John Scatchell Jr. #23

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3/5/2019



Fwd: John Scatchell Grievance

From: John Scatchell <jscatch88@gmail.com (mailto:jscatch88@gmail.com)>
Date: February 20, 2019 at 3:05:49 PM CST
To: JROCHE@FOP.ORG (mailto:JROCHE@FOP.ORG)
Subject: John Scatchell Grievance

To whom it may concern,

I was discharged from Melrose Park PD on December 6th of 2018. I was a dues paying member of the FOP Labor Council at that time. In January of 2019, through my attorneys, I requested that I be compensated for my 2019 paid time off that I had accrued (vacation days, personal days, sick days). Also I contacted the president of Fop Lodge 19, Dennis Natale, to arrange for payment to remain a member of the FOP Labor. I was told that you would not allow that, since I am currently not a member of any police department (pending litigation).

At Melrose Park PD, an officer works the previous year for the ensuing years vacation/Comp time. I was credited as having worked from 1/1/18 through 12/6/18 for that calendar year. As such I should be entitled to 93.1% of my comp time that I earned for the 2019 Calendar year. At my tier of seniority, I would have earned 30 vacation days, 10 personal days, and 6 sick days for an entire year worked or 46 days of paid time off. I would like to file a grievance with the union, as I was a member during the time frame that I earned the aforementioned comp time.

Also do you have any update on my previous grievances that you had taken over?

Thank you for your time and consideration in this matter,

John A. Scatchell
(708) 906-1188

EXHIBIT 43



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Chief of Police

To: Officer John Scatchell #23

From: Director of Police Sam Pitassi and Deputy Chief Michael Castellan

Date: December 8, 2017

RE: Notice of Interrogation/Formal Investigation Re: Potential Violation of Sections 340.5.2(a), 340.5.4(d) and (e), 340.5.5(c), 340.5.8(d), 340.5.8(i), 340.5.9(a), (h) and (m) and 1014.2 of the Police Department's Policy Manual

Dear Officer Scatchell:

The Village of Melrose Park ("Village") is conducting a Formal Investigation ("Investigation") as to whether you have violated Sections 340.5.2(a), 340.5.4(d) and (e), 340.5.5(c), 340.5.8(d), 340.5.8(i), 340.5.9(a), (h) and (m) and 1014.2 of the Police Department's Policy Manual, which could lead to your suspension of more than 24 duty hours, removal or discharge. In particular, the Village is investigating whether you abused sick leave by participating in recreational activities (ex. hunting) during your sick leave, and that in doing so, you engaged in hunting activities with a known felon and when caught by the Conservation Police on November 20, 2017, you were deceptive and sought to use your position as a Melrose Park police officer to avoid criminal charges being brought.

As part of this Formal Investigation, your interrogation has been scheduled for **December 19, 2017, at 9:30 a.m.**, in the Courtroom at the Melrose Park Police Department. **You are ordered to attend and participate in this Interrogation as set forth below.**

If the information and evidence gathered during the course of our Investigation, including any admissions made by you during this Interrogation, establish violations of the foregoing provisions, this will be the basis for filing charges seeking your removal, discharge, or suspension from duty in excess of 24 hours.

Director Pitassi and Deputy Chief Castellan will be in charge of the investigation and the Interrogation will be conducted by Jeffrey S. Fowler, one of the Village's attorneys. The other people who will be present include Joseph M. Gagliardo (attorney for the Village), and a court reporter to transcribe the Interrogation. Director Pitassi and/or Deputy Chief Castellan will also be present on behalf of the Department during the Interrogation.

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Scatchell
for ID, as of 1/9/18 Dep Ex No. 2

CHIEF'S EXHIBIT _____

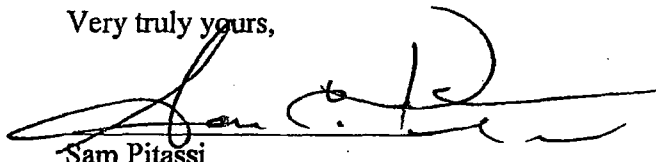
A record of the Interrogation shall be made and a complete transcript or copy shall be made available to you without charge. The record may be electronically recorded. You have the right to counsel of your choosing who may be present to advise you at any stage before or during this Interrogation. You also have a right to have a union representative present during the Interrogation. Any statements, admissions or confessions you make as part of this investigation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge.

During the Interrogation, you will have reasonable periods for rest and personal necessities upon request. During the Interrogation, you will not be subject to professional or personal abuse, including offensive language. In addition, you will have the opportunity to present any evidence or information that you have in response to the allegations.

You are ordered to bring and present any relevant evidence, documents, photos, materials or recordings with you to this meeting so that such information, if appropriate and relevant, can be considered as part of the Investigation, including, but not limited to, your medical records relating to your medical leave since November 9, 2017, your recreational activities during the period that you have been on medical leave (since November 9, 2017), your participation or involvement in potential illegal activities by a known felon on or about November 20, 2017, and your contact with any other law enforcement agency(ies) that may lead to criminal prosecutions on or about November 20, 2017.

Finally, by this letter, I am again ordering you to fully cooperate with the Investigation and to answer all questions truthfully and completely. Please be advised that your failure to fully cooperate or to answer questions truthfully and completely may result in disciplinary action taken against you up to and including termination.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sam Pitassi", written over a horizontal line.

Sam Pitassi
Director of Police

A handwritten signature in black ink, appearing to read "Michael Castellano", written over a horizontal line.

Michael Castellano
Deputy Chief of Police

EXHIBIT 44



MELROSE PARK POLICE DEPARTMENT

Sam C. Pitassi • Chief of Police

To: Officer John Scatchell

From: Director of Police Sam Pitassi and Deputy Chief Michael Castellan

Date: December 20, 2017

RE: Notice of Interrogation/Formal Investigation Re: Potential Violation of Sections 340.5.2(a), 340.5.4(d) and (e), 340.5.5(c), 340.5.8(d), 340.5.8(i), 340.5.9(a), (h) and (m) and 1014.2 of the Police Department's Policy Manual

Dear Officer Scatchell:

0 you know, the Village of Melrose Park ("Village") is conducting a Formal Investigation ("Investigation") as to whether you have violated Sections 340.5.2(a), 340.5.4(d) and (e), 340.5.5(c), 340.5.8(d), 340.5.8(i), 340.5.9(a), (h) and (m) and 1014.2 of the Police Department's Policy Manual, which could lead to your suspension of more than 24 duty hours, removal or discharge. In particular, the Village is investigating whether you abused sick leave by participating in recreational activities (ex. hunting) during your sick leave, and that in doing so, you engaged in hunting activities with a known felon and when caught by the Conservation Police on November 20, 2017, you were deceptive and sought to use your position as a Melrose Park police officer to avoid criminal charges being brought. In addition, the Village will investigate the circumstances of your failure to appear for the interrogation that had been set for December 19, 2017.

As part of this Formal Investigation, your interrogation has been rescheduled for January 9, 2018, at 1:30 p.m., in the Multi-Purpose Room in the Village Hall, 1000 North 25th Avenue, Melrose Park, Illinois. You are ordered to attend and participate in this Interrogation as set forth below.

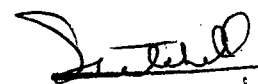
If the information and evidence gathered during the course of our Investigation, including any admissions made by you during this Interrogation, establish violations of the foregoing provisions, this will be the basis for filing charges seeking your removal, discharge, or suspension from duty in excess of 24 hours.

Director Pitassi and Deputy Chief Castellan will be in charge of the investigation and the Interrogation will be conducted by Jeffrey S. Fowler, one of the Village's attorneys. The other people who will be present include Joseph M. Gagliardo (attorney for the Village), and a court reporter to transcribe the Interrogation. Director Pitassi and/or Deputy Chief Castellan will also be present on behalf of the Department during the Interrogation.

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CHIEF'S EXHIBIT _____

 Dep Ex No. 3
for ID, as of 1/9/18

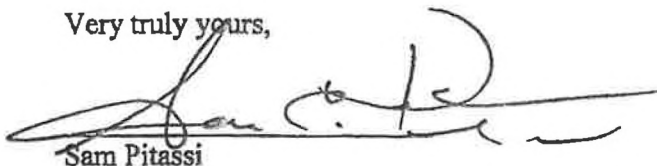
A record of the Interrogation shall be made and a complete transcript or copy shall be made available to you without charge. The record may be electronically recorded. You have the right to counsel of your choosing who may be present to advise you at any stage before or during this Interrogation. You also have a right to have a union representative present during the Interrogation. Any statements, admissions or confessions you make as part of this investigation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge.

During the Interrogation, you will have reasonable periods for rest and personal necessities upon request. During the Interrogation, you will not be subject to professional or personal abuse, including offensive language. In addition, you will have the opportunity to present any evidence or information that you have in response to the allegations.

You are ordered to bring and present any relevant evidence, documents, photos, materials or recordings with you to this meeting so that such information, if appropriate and relevant, can be considered as part of the Investigation, including, but not limited to, your medical records relating to your medical leave since November 9, 2017, your recreational activities during the period that you have been on medical leave (since November 9, 2017), your participation or involvement in potential illegal activities by a known felon on or about November 20, 2017, and your contact with any other law enforcement agency(ies) that may lead to criminal prosecutions on or about November 20, 2017.

Finally, by this letter, I am again ordering you to fully cooperate with the Investigation and to answer all questions truthfully and completely. Please be advised that your failure to fully cooperate or to answer questions truthfully and completely may result in disciplinary action taken against you up to and including termination.

Very truly yours,



Sam Pitassi
Director of Police



Michael Castellan
Deputy Chief of Police

EXHIBIT 45

HEARING, 11/09/2018

Page 50..53

FILED DATE: 8/26/2019 2:37 PM 2018CH16150

<p style="text-align: right;">Page 50</p> <p>1 CHAIRMAN ESPOSITO: But he was not here. He</p> <p>2 was not sitting there. He could have came up, sat</p> <p>3 in the chair, and said, I'm not answering the</p> <p>4 question. Fine.</p> <p>5 THE WITNESS: I understand that. It's my</p> <p>6 opinion that if you -- all the legal wrangling that</p> <p>7 were going on, for him -- from just moving and</p> <p>8 getting up --</p> <p>9 CHAIRMAN ESPOSITO: No. Well, that's your</p> <p>10 opinion. You weren't here.</p> <p>11 THE WITNESS: I agree. I'm only going by the</p> <p>12 transcripts that I read.</p> <p>13 CHAIRMAN ESPOSITO: Go ahead. Next question.</p> <p>14 MR. COOPER: Nothing further at this time.</p> <p>15 Thank you, Chief.</p> <p>16 MR. FOWLER: I'm sorry. Did -- you're</p> <p>17 finished?</p> <p>18 CHAIRMAN ESPOSITO: Yeah, he's finished.</p> <p>19 CROSS EXAMINATION</p> <p>20 BY MR. FOWLER:</p> <p>21 Q. Did you review the indictment against</p> <p>22 Mr. Scavo?</p> <p>23 A. I did not.</p> <p>24 Q. Why not?</p>	<p style="text-align: right;">Page 52</p> <p>1 allegations in general or if he specifically</p> <p>2 answered questions. I may have just -- I may asked</p> <p>3 him things to the amount of what the Village of</p> <p>4 Melrose Park's directives said or didn't say or</p> <p>5 things like that.</p> <p>6 Q. How long did that first conversation</p> <p>7 last?</p> <p>8 A. I already answered that. I don't</p> <p>9 recall.</p> <p>10 Q. During that first conversation, anybody</p> <p>11 else on the line?</p> <p>12 A. No.</p> <p>13 Q. Tell the Board exactly what he said</p> <p>14 to you and what you said to him during that</p> <p>15 conversation.</p> <p>16 A. I really don't recall.</p> <p>17 Q. And the second conversation, when did</p> <p>18 that take place?</p> <p>19 A. There was a conversation yesterday, a</p> <p>20 very short conversation.</p> <p>21 Q. I'm sorry?</p> <p>22 A. It was a very short conversation</p> <p>23 yesterday evening.</p> <p>24 Q. Anybody else on the line?</p>
<p style="text-align: right;">Page 51</p> <p>1 A. It was never given to me.</p> <p>2 Q. So your opinion is based solely upon</p> <p>3 the documents that were given to you; is that what</p> <p>4 you're saying?</p> <p>5 A. Correct.</p> <p>6 Q. And those documents were given to you</p> <p>7 solely by the respondent here, right?</p> <p>8 A. That's correct.</p> <p>9 Q. You testified, I think at least twice,</p> <p>10 that you had the opportunity to interview Officer</p> <p>11 Scatchell.</p> <p>12 A. I did.</p> <p>13 Q. How long did that -- how many times did</p> <p>14 you interview him?</p> <p>15 A. Once through a telephone conversation.</p> <p>16 Maybe twice early on. I may have talked to him on</p> <p>17 the phone. And then we talked again today.</p> <p>18 Q. And never in person before today?</p> <p>19 A. No.</p> <p>20 Q. The first time on the telephone, how</p> <p>21 long did that conversation last?</p> <p>22 A. I don't recall.</p> <p>23 Q. Did he answer questions for you?</p> <p>24 A. I don't know if we talked about the</p>	<p style="text-align: right;">Page 53</p> <p>1 A. No.</p> <p>2 Q. During that conversation, what did he</p> <p>3 say to you and what did you say to him?</p> <p>4 A. I basically told him that I am going</p> <p>5 to be very impartial on this. And I told him I</p> <p>6 thought that there were some violations here that</p> <p>7 are credible. And I told him I can see him getting</p> <p>8 anywhere from a 10- to 30-day suspension without</p> <p>9 pay. But I certainly didn't see anything here that</p> <p>10 would be tantamount to him losing his job.</p> <p>11 Q. Anything else?</p> <p>12 A. Not that I recall.</p> <p>13 Q. So I think you said to the Board that</p> <p>14 part of what he said to you helped form your</p> <p>15 opinions in this case.</p> <p>16 A. Let me go back. I asked him about his</p> <p>17 relationships with Scavo.</p> <p>18 Q. Anything else?</p> <p>19 A. Very candid, I -- I see something other</p> <p>20 than these allegations here. And I asked him if</p> <p>21 there could be anything else that may be driving</p> <p>22 this event. Because it just seems like something</p> <p>23 that was, by police administrative standards,</p> <p>24 rather common, yet minor has blossomed into a very</p>

EXHIBIT 46

Deposition of HEARING, 10/22/2018

FILED DATE: 8/26/2019 2:27 PM 2018CH16150

<p style="text-align: right;">Page 14</p> <p>1 (Recess taken.)</p> <p>2 MR. FOWLER: We have one more procedural or</p> <p>3 housekeeping issue. It's a stipulation that Vito</p> <p>4 Scavo has been subpoenaed to testify here in this</p> <p>5 hearing. I believe that the parties are prepared</p> <p>6 to stipulate that if called to testify he would</p> <p>7 refuse to answer any questions and would instead</p> <p>8 assert his rights under the Fifth Amendment.</p> <p>9 MR. COOPER: So the point is he's not coming.</p> <p>10 CHAIRMAN ESPOSITO: Okay.</p> <p>11 MR. O'CONNOR: Well, yeah, but you agree that</p> <p>12 that's -- you stipulate that if called that would</p> <p>13 be his testimony?</p> <p>14 MR. COOPER: I do.</p> <p>15 MR. O'CONNOR: Okay.</p> <p>16 CHAIRMAN ESPOSITO: Okay.</p> <p>17 MR. FOWLER: With that, we're prepared to</p> <p>18 make opening statement.</p> <p>19 CHAIRMAN ESPOSITO: All right.</p> <p>20 MR. FOWLER: If you want opening statement,</p> <p>21 or we can just go straight to the first witness</p> <p>22 since you've read the charges.</p> <p>23 CHAIRMAN ESPOSITO: What are you comfortable</p> <p>24 with?</p>	<p style="text-align: right;">Page 16</p> <p>1 CHAIRMAN ESPOSITO: They're not witnesses.</p> <p>2 Okay. So they could stay.</p> <p>3 MR. COOPER: So it's my understanding that</p> <p>4 there was not notice of this hearing, so it's our</p> <p>5 position that the Open Meetings Act has been</p> <p>6 violated. Not much more I can offer, but I do</p> <p>7 think it's necessary --</p> <p>8 CHAIRMAN ESPOSITO: This is not a -- this is</p> <p>9 not a regular meeting. This is a continuance of</p> <p>10 the hearing that was scheduled ahead of time. So I</p> <p>11 don't think we have to post that. I believe in our</p> <p>12 bylaws, our laws, we have to post meetings that are</p> <p>13 regularly scheduled meetings. But a continuance of</p> <p>14 this nature I don't believe it needs to be</p> <p>15 scheduled.</p> <p>16 Okay. Any other complaints?</p> <p>17 MR. COOPER: No.</p> <p>18 CHAIRMAN ESPOSITO: Thank you.</p> <p>19 Go ahead, Mr. Fowler.</p> <p>20 MR. FOWLER: We call Officer Scatchell.</p> <p>21 And I would remind Officer Scatchell</p> <p>22 that on January 9th, he was specifically given a</p> <p>23 Garrity warning where he was required to answer</p> <p>24 questions, ordered to answer questions, and was</p>
<p style="text-align: right;">Page 15</p> <p>1 MR. FOWLER: Either way.</p> <p>2 CHAIRMAN ESPOSITO: I don't think we need an</p> <p>3 opening statement. I think we can just start with</p> <p>4 the --</p> <p>5 COMMISSIONER CAPUTO: Let's go.</p> <p>6 CHAIRMAN ESPOSITO: I think we know what the</p> <p>7 charges are.</p> <p>8 MR. FOWLER: Very well. In that case, we</p> <p>9 could call Officer Scatchell.</p> <p>10 MR. COOPER: Two things.</p> <p>11 Officer Scatchell has a right not to</p> <p>12 incriminate himself. So Officer Scatchell will not</p> <p>13 take the stand.</p> <p>14 And then there was one other issue I</p> <p>15 want to raise.</p> <p>16 MR. FOWLER: Is there another issue you want</p> <p>17 to raise now?</p> <p>18 MR. COOPER: Yeah. One second. We're</p> <p>19 looking at something on the computer.</p> <p>20 CHAIRMAN ESPOSITO: Are Mr. and Mrs. Scatchell</p> <p>21 going to be witnesses? Are they listed as</p> <p>22 witnesses?</p> <p>23 MR. COOPER: Oh, hi.</p> <p>24 No. No, they're not.</p>	<p style="text-align: right;">Page 17</p> <p>1 given the appropriate Garrity warning at the time.</p> <p>2 And I would ask Deputy Chief</p> <p>3 Castellan to now verbally renew the Garrity warning</p> <p>4 that Officer Scatchell was given on January 9th,</p> <p>5 2018.</p> <p>6 MR. COOPER: So the --</p> <p>7 MR. FOWLER: Just before -- is that correct,</p> <p>8 Deputy Chief?</p> <p>9 DEPUTY CHIEF CASTELLAN: Yes, it is.</p> <p>10 MR. COOPER: So the Garrity has no</p> <p>11 applicability to an administrative hearing. And</p> <p>12 that's something that would have to be briefed.</p> <p>13 It's not something I can explain in the next three</p> <p>14 or four minutes. It is something I have briefed in</p> <p>15 the past.</p> <p>16 There's no applicability of Garrity</p> <p>17 to this proceeding. He has a Fifth Amendment right</p> <p>18 not to incriminate himself. And the only party --</p> <p>19 or let me rephrase it. The only one who can call</p> <p>20 him as a witness is me. Not Mr. Fowler. I have</p> <p>21 yet to make a decision as to whether or not Officer</p> <p>22 Scatchell will give testimony. But he will not</p> <p>23 take the stand at this point.</p> <p>24 And it's sort of a double-edged</p>

Deposition of HEARING, 10/22/2018

FILED DATE: 8/26/2019 2:27 PM 2018CH16150

Page 18

1 sword for the Melrose Park Police Department
 2 because if the police department takes the position
 3 it's going to fire him for not giving testimony,
 4 it'll be reversed, and it'll be back.
 5 If the police department takes the
 6 right position, and that is wait to see if I call
 7 him as a witness, things will be fine, meaning that
 8 the police department sensed that -- or its
 9 position that it wants to have some sort of
 10 strength in the circuit or the appellate court,
 11 that strength may still be there, but if -- so in
 12 some ways, I'm actually hoping that there's an
 13 order right now for him to take the stand.
 14 MR. FOWLER: We're happy to comply with that.
 15 Deputy Chief Castellán, would you
 16 give Officer Scatchell an order to take the stand
 17 and answer questions pursuant to his Garrity
 18 warning?
 19 DEPUTY CHIEF CASTELLAN: John.
 20 OFFICER SCATCHELL: Yes.
 21 DEPUTY CHIEF CASTELLAN: I order you to take
 22 the stand and answer all questions truthfully and
 23 honestly.
 24 OFFICER SCATCHELL: At this time I assert my

Page 19

1 Fifth Amendment right.
 2 MR. FOWLER: In light of the assertion of the
 3 Fifth Amendment right in that this is a civil
 4 proceeding, the rule of law is that the Board is
 5 entitled to take the Fifth Amendment right against
 6 him, to use it as an inference against him, and to
 7 assume that all of the charges are therefore true.
 8 Based upon that and based upon his refusal to obey
 9 a direct order right in your presence, we would
 10 suggest that there's nothing else needed in this
 11 hearing and that he be discharged effective today.
 12 MR. COOPER: And under Illinois law, that's
 13 just not accurate. And, again, this isn't
 14 something we can resolve right now. In the past
 15 when this has come up, we filed briefs.
 16 And it's a pretty extraordinary
 17 process. I have never known of an officer being
 18 forced to testify. If an officer is forced to
 19 testify, he's reinstated fairly quickly by the
 20 Circuit Court.
 21 MR. FOWLER: Obviously we disagree with
 22 counsel on the law.
 23 MR. O'CONNOR: Okay. So, Chris, if he's
 24 right on the law, you brief it out and he's right

Page 20

1 on the law, then you agree that there's no need for
 2 further evidence?
 3 MR. COOPER: Sure. But he's not right on the
 4 law, because I've been down this road before.
 5 MR. O'CONNOR: Mr. Fowler, you believe you're
 6 right on the law?
 7 MR. FOWLER: I do.
 8 MR. O'CONNOR: So what do you want to do? Do
 9 you want to brief this? And we'll find out, and if
 10 you're right, then the charges are deemed admitted.
 11 MR. FOWLER: I would be happy to brief this,
 12 and perhaps since --
 13 MR. O'CONNOR: It's not for me to say.
 14 Do you have other witnesses you want
 15 to call for the rest of tonight?
 16 MR. FOWLER: I just let them leave. I can
 17 call them back.
 18 But at this point, I think it
 19 probably makes most sense for the parties to brief
 20 this and present their written briefs tomorrow when
 21 we resume at 5:30.
 22 MR. COOPER: That's not enough time. This is
 23 a big deal. And when this issue has been briefed,
 24 it takes a lot of time.

Page 21

1 MR. O'CONNOR: Well, I know, Chris, it might
 2 be a big deal, but if you've got a case that says
 3 what you say it does, and you've got a case that
 4 says opposite, then it doesn't seem like it would
 5 be too much. I mean, you don't have to do a brief.
 6 It maybe could be a formal letter, This case
 7 compels that the Board rule in my favor, and you
 8 say that, This case compels the Board rule in my
 9 favor. I mean, how much time are you looking for?
 10 A couple days? Because it's not going to be a
 11 month.
 12 MR. COOPER: Last time I filed a brief like
 13 this, it was about 16 pages.
 14 MR. O'CONNOR: Well, just give us that brief.
 15 MR. COOPER: I know. I can switch things
 16 around.
 17 MR. O'CONNOR: It's up to the Board.
 18 COMMISSIONER CAPUTO: How much time do you
 19 need, Chris?
 20 MR. COOPER: Couple days.
 21 COMMISSIONER CAPUTO: Couple days? If we go
 22 tomorrow, and Wednesday enough, or do you want to
 23 come Thursday?
 24 MR. COOPER: I mean, we just -- the way I see



X47

EXHIBIT

2-PE 01-11/ PE03

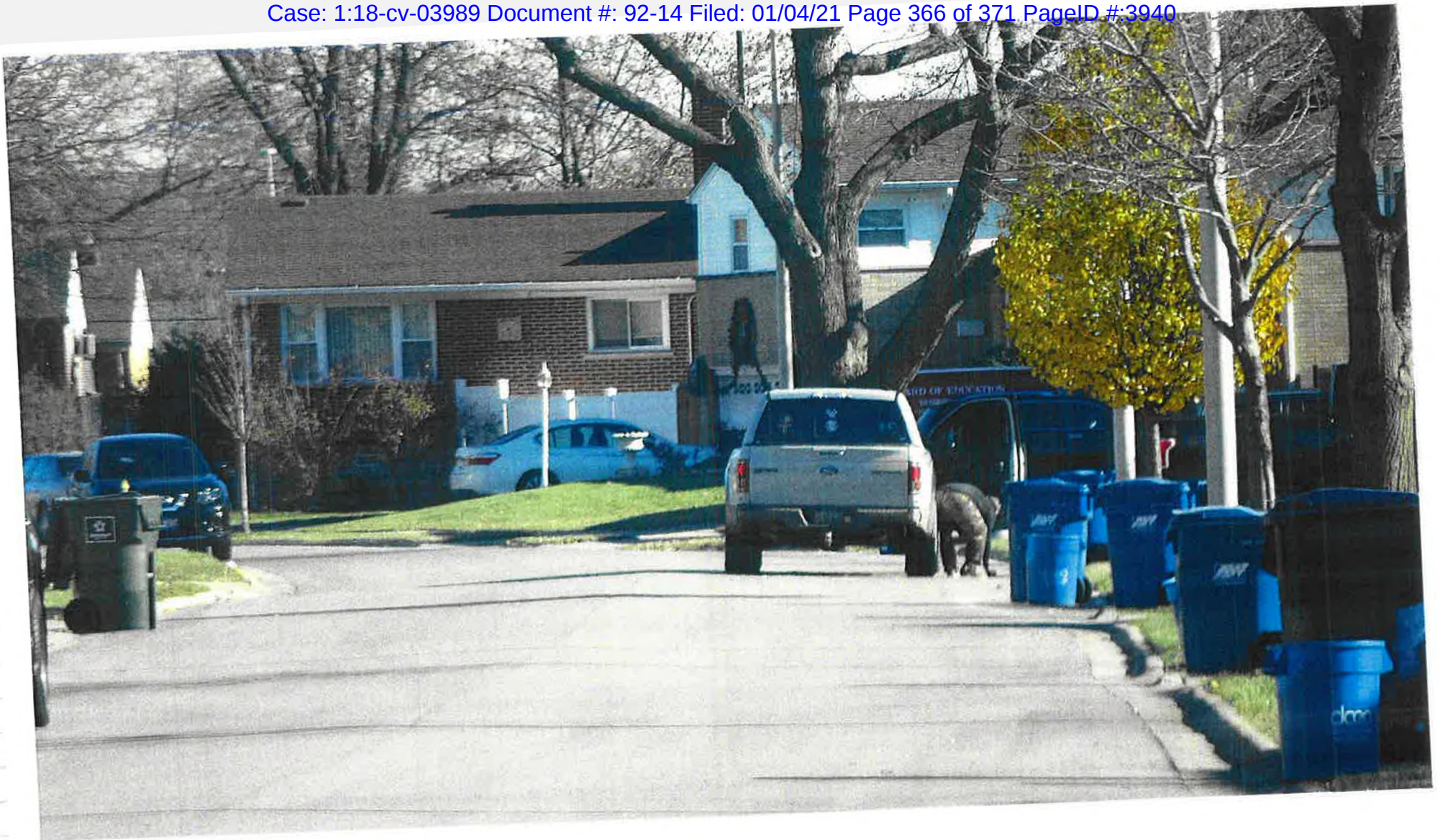
Capture 4











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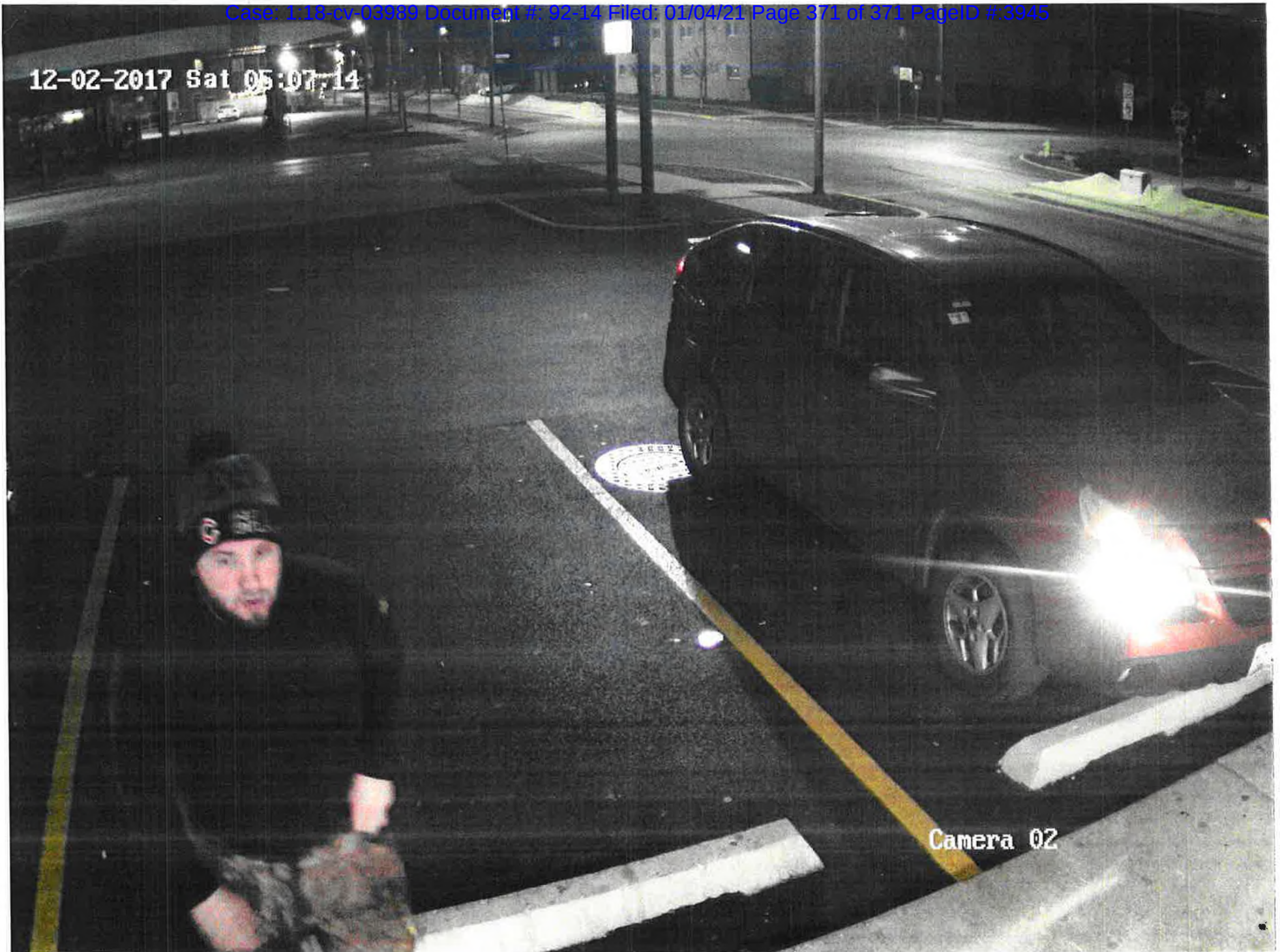








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